Supreme Court, U.S.
FILED
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OFFICE OF THE CLERK

CASE NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CHRISTOPHER N. AMAECHI

Petitioner

v.

UNIVERSITY OF KENTUCKY, COLLEGE OF EDUCATION et al.

Respondents

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS FOR REVIEW

The United States Court of Appeals for the 6th Circuit has decided important federal questions in a way that conflicts with relevant decisions of the U.S. Supreme Court as in Goss v. Lopez, 419 U.S. 565 (1975); Also see Grutter v. Bollinger, 123 S. Ct. 2325 (2003); Grutter at 2339.

1. Whether imposing an academic advisor on a student against that student's opposition and without notifying the student of the reason and **without a hearing** is a violation of that student's rights to *Procedural Due Process* protected by the Fourteenth Amendment under 42 U.S.C. § 1983?

2. Whether graduating a student from a degree program without allowing that student to complete important requirements for that degree, **without a hearing,** but allowed all other students to complete the same requirements violated that student's right to Equal Protection Clause protected by the Fourteenth Amendment to the U.S. Constitution?

3. Whether terminating a student from a degree program without warning and not specify a reason, and **not follow board rules for termination and not follow board rules for a hearing** is a violation of that students right to *Due Process* protected by the Fourteenth Amendment?

4. Whether Summary Judgement is inappropriate **when the moving party tampered with an exhibit that affected the outcome of the case** in their favor and factual disputes that are relevant to the case and are necessary still exist?

5. Whether withholding a student's degree **without a hearing** and the student does not owe a cent to the institution while others alike received their degree is a violation of that student's rights to *Equal Protection Clause* protected by the Fourteenth Amendment to the United States constitution?

STATEMENT OF QUESTION NO. 1 FOR REVIEW

Respondents established a policy or custom or procedural guideline for completing a Doctor of Education (Ed. D.) degree program. Each student enrolled in that same degree program selected his/her Major Professor (Academic Advisor) and chair of his/her committee based on board rule or policy or custom stated in the "EPE Doctoral Program Guidesheet", p. 1 item 5 Apx. **N**, p. 49. *Based on that rule or regulation or policy the petitioner decided not to select a professor with whom he was having racial tensions in an on-going basis. See petitioner's oppositions in his letter to Dr. Angelo **dated July 24, 1999**, Apx. **O**; pp. 53-55. Despite petitioner's oppositions respondents imposed that same professor on the petitioner over petitioner's oppositions to that imposition. See the imposition memo by Dr. Michael T. Nietzel's dated **October 22, 1999** Apx. P; pp. 55-57.

Subsidiary Question for Question No. 1

(a). Whether treating a student differently than non-minority students is a violation of the students right to *Equal Protection Clause* protected by the Fourteenth Amendment to the United States Constitution?

(b). Whether execution of that rule or regulation or policy of imposition singled out the petitioner for disparate treatment and deprived the petitioner the right to choose an academic advisor and deprived the petitioner of his freedom to choose protected by the Fourteenth Amendment?

STATEMENT OF QUESTION NO. 2 FOR REVIEW

Respondents graduated petitioner from the Doctor of Education (Ed. D.) degree program and that was inconsistent with the board rule or custom for graduation. Each student

was allowed 5 years to complete the degree requirements after passing the qualifying examination. See page 18 1996-1998 UK Graduate School Bulletin on time limits for graduation under "Doctoral Degree" Apx. F; pp. 38-39. Petitioner passed that exam on 9/10/98. See front page of 2000 Academic Transcript Apx. B; pp. 32-35. Petitioner was at the Dissertation Defense Phase in the program. See EPE Doctoral Program Guidesheet under Dissertation Defense Phase, Apx. N; p. 51. Each doctoral candidate must successfully defend his/her dissertation before graduating as stated in a letter from Marilyn Lyons dated August 2, 2001, Apx. Z (1) pp. 71-72. Respondents graduated the petitioner while he was writing his dissertation. See page 18, "...annual COMMENCEMENT..." for graduation, Apx. E; p. 38. Respondents were inconsistent with their prescribed rule or regulation or policy for graduation.

Subsidiary Question for Question No. 2

(a). Whether graduating a minority student from a degree program without allowing that student to complete important requirements for advancement in the field that non-minority students were allowed to complete before they were graduated is a violation of that minority student's right to Equal Protection Clause protected by Fourteenth Amendment § 1 under 42 U.S.C. § 1983?

STATEMENT OF QUESTION NO. 3 FOR REVIEW

Petitioner ("Amaechi") earned a cumulative grade point average of **3.7/4.0** in that doctoral degree program. See his Academic Transcript in Apx. B; pp. 32-35. The minimum grade point average required for that degree was a **3.0/4.0**. See Lyman T. Johnson Fellowship awarded June 8, 1995, Apx. D pp. 37-38. Petitioner also earned **"S"** grades for each semester of his enrollment in the program until after he was

graduated on May 6, 2001. See his **"S"** Grade Reports in the Apx. B; pp. 34-35. It was respondents' rule or regulation to assign a **"U"** grade to unsatisfactory performance. See back of petitioner's academic transcript or respondents' Academic Transcript Guide in Apx. C; 35-37. In the instant case, respondents terminated the petitioner on speculation that he was not making satisfactory academic progress towards the degree completion. Petitioner's grades of **3.7/4.0** for all Coursework and **"S"** for all dissertation writings are to debunk. But see **Order** from United States District Court in Apx. T; pp. 61-62; and subsequent **Order** from the United States Court of Appeals for the 6th Cir. Apx. S; pp. 58-61.

Subsidiary Question for Question No. 3.

a). Whether a student in any form of academic probation should **not** know that he/she is on probation and or be given a reason for that probation, a warning and a chance to improve on his/her grades before termination?

b). Whether all evidence relied upon by the respondents for their decision to recommend termination must be presented at a hearing so that the petitioner charged may respond to it?

c). Whether the charge(s) must be specific enough for the petitioner to respond?

d). Whether board rules prescribed for a hearing must be followed or the hearing be a nullity and action based on it declared void?

STATEMENT OF QUESTION NO. 4 FOR REVIEW

Petitioner presented 130 exhibits to respondents for the hearing and for the trial of this case in the United States District Court. Respondents selected only five of those 130 exhibits and tampered with an exhibit dated March 25, 2001.

See a copy of the tampered document dated March 25, 2001, p. 4, Apx. R; pp. 57-58. See questions on the original document on page 14 of this petition. See a copy of the original document dated March 25, 2001 in Apx. Q; p. 57.

Respondents' submitted that tampered exhibit to Judge Joseph M. Hood (1970-72 graduate of UK Law School). See Judge Joseph Hood's Education in Apx. U. p. 62. The Judge awarded Summary Judgement in favor of respondents without a hearing or trial.

Subsidiary Question for Question No. 4.

(a). Whether a reasonable jury could return a verdict to non-moving party if the evidence on genuine issues of material facts is presented?

b). Whether the non-moving party has a right to present "significant probative evidence" to show that "there is [more than] some metaphysical doubt as to the material facts?

STATEMENT OF QUESTION NO. 5 FOR REVIEW

Respondents continue to withhold petitioner's Doctor of Education (Ed. D.) degree after graduating him from the same degree program on May 6, 2001. There has not been a hearing to discuss that graduation. There has not been a hearing to discuss that degree being withheld. See page 18 "...annual COMMENCEMENT..." for the degree, Apx. E, p. 38; Apx. Y (3); p. 67.

Subsidiary Question for Question No. 5

a). Whether depriving a student the privilege to enjoy the benefits of his/her degree without a hearing is a violation of that student's right to Due Process protected by the Fourteenth Amendment under 42 U.S.C. § 1983?

LIST OF PARTIES

PETITION FROM THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

CHRISTOPHER N. AMAECHI,

(Complainant-Appellant-Petitioner)

VS.

UNIVERSITY OF KENTUCKY, COLLEGE OF EDUCATION, THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF KENTUCKY, THE DEPARTMENT OF EDUCATIONAL POLICY STUDIES AND EVALUATION AT THE UNIVERSITY OF KENTUCKY, MICHAEL T. NIETZEL, DEAN OF GRADUATE SCHOOL, IN HIS OFFICIAL CAPACITY FOR THE UNIVERSITY OF KENTUCKY, AND RICHARD ANGELO, CHAIR OF THE DEPARTMENT OF EDUCATIONAL POLICY STUDIES AND EVALUATION AND GRADUATE FACULTY MEMBER, IN HIS OFFICIAL CAPACITY FOR THE UNIVERSITY OF KENTUCKY, (Defendanst-Appellees-Respondents).

COUNSEL FOR RESPONDENTS

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(859) 225-4714

DISCLOSURE OF CORPORATE AFFILIATION AND FINANCIAL INTEREST

CHRISTOPHER N. AMAECHI

Plaintiff-Appellant-Petitioner

****

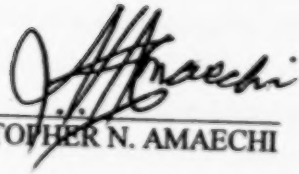
Petitioner makes the following disclosures pursuant to the-United States Supreme Court's Rule 29.6.

1. Is said party a subsidiary or affiliate of a publicly owned corporation?

   NO.

2. Is there a publicly owned corporation, not a party to the petition, that has a financial interest in the outcome

   NO.



CHRISTOPHER N. AMAECHI

01/07/05
DATE

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CONCISE STATEMENT OF THE BASIS FOR JURISDICTION IN THE U.S. SUPREME COURT

The United States Court of Appeals for the 6th Circuit has decided important federal questions in this instant case in a way that conflicts with relevant decisions of the U.S. Supreme Court as in Goss v. Lopez 419 U.S. 565 (1975); Docket Number 73-898; argued October 16, 1974 and decided January 22, 1975. Also see Grutter v. Bollinger, 123 S. Ct. 2325 (2003); Grutter at 2339.

In addition, the United States Court of Appeals for the 6th Circuit also decided an important question of federal law that has not been decided **(i.e. terminating a student from a degree program after graduating the same student from the same degree program and without a hearing, or notice for a hearing)** but it can be settled by the Supreme Court of the United Sates.

The United States Court of Appeals for the 6th Circuit Cincinnati Ohio had jurisdiction of this instant case pursuant to 42 U.S.C. § 1983; § 2000d; 28 U.S.C. § 1331 as a matter arising under the Constitution and/or laws of the United States, and supplemental jurisdiction of the State law claims under 28 U.S.C. § 1367.

Accordingly, The Supreme Court of the United States has jurisdiction over this instant case as a matter arising from the Constitution and/or laws of the United States consistent with the language of 28 U.S.C. § 1331 and pursuant to U.S. Supreme Court Rule 10 (c).

STATUTORY AND CONSTITUTIONAL PROVISIONS BELIEVED TO CONFER ON THE U.S. SUPREME COURT'S JURISDICTION TO REVIEW **VERBATIM QUOTATIONS REQUIRED UNDER RULE 14.1(F)**

The Kentucky State **Statute**: KRS 161.028, 161.165 (1994) provides for retention of members of the minority group in higher education in the State of Kentucky on equal terms with members of non-minority groups in the State.

The Kentucky State **Constitution**: FNI Ky. Const. Sec. 183, 347 U.S. 483, 74 S. Ct. 686, 691 L.Ed. 873 (1954) declares education of its citizens a fundamental right under its constitution. In Rose v. Council for Better Education, Inc. 790 S. W.2d 186, 60 Ed. Law Rep. 1289 (1989), the Kentucky Supreme Court held that a citizen's right to adequate education is a fundamental one under its constitution. The Court also affirmed that citizens of Kentucky have property rights and liberty to adequate education and that "such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms". Also see Russman v. Luckett, 391 S.W. 2d 694 (Ky. 1965).

Plaintiff-petitioner is a citizen of the U.S. and of the State of Kentucky in which he and his family reside. He owns property in the State and pays property taxes and hence, has a legitimate claim to his education in the State. The language of FNI. Ky. Const. Sec. 183 is implicated in the Federal Statute 42 U.S.C. § 1983 herein quoted verbatim:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage of any State or Territory, subjects, or causes to be subjected, any citizen of the or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured

by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress" (Reutter Jr. 1985 p. 907).

The language of FNI. Ky. Const. Sec. 183 is believed to confer with Federal Statute 42 U.S.C. § 2000d herein quoted verbatim:

"No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (Reutter Jr. 1985, p. 905).

The language of FNI. Ky. Const. Sec. 183 is believed to confer with the U.S. CONST. Amendment XIV (14) herein quoted verbatim:

"All persons born or naturalized in the in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws"

(Reurtter Jr. 1985, p. 904).

U.S. CONST. Amendment XI protects citizens and governments alike: This petitioner is a citizen of the United States. He is not subject of any Foreign State.

"The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State". (Alexander Hamilton, 1775, pp. 23-24).

STATEMENTS OF THE CASE

Christopher Nnamdi Amaechi (petitioner) earned a Bachelor of Science (B.S.) degree in Agriculture in 1982 from Berea College, Berea, KY. From 1982 to 1986 he earned a Master of Science (M.S.) degree in Agriculture. See Apx. **W**; p. 63 and a Master of Arts (M.A.) degree in Student Personnel from Morehead State University, in Kentucky. See Apx. **X**; p. 64. Upon completion of his Master's degrees he got married and began his professional career in Higher Education - Student Personnel. He worked for over 6 years in Higher Education. On 02/22/1995 he became a Citizen of the U.S. See Apx. **A**, pp. 31-32 are facts **not** reviewed.

On January 12, 1995 the petitioner ("Amaechi") applied for admission to a Doctor of Education (Ed. D.) degree program in the Department of Educational Policy Studies and Evaluation (EPE) at the University of Kentucky, Respondents (hereafter "University et al."). (R12 Second Amended Complaint. p. 4; para. 11; Appellant/Appellee's Joint Apx. p. 50). See Apx. **Z (2)** pp. 72-78 **not** reviewed.

Amaechi was admitted into that program on June 28, 1995. Thereafter, petitioner and respondents agreed to uphold written policies and procedures, rules and regulations for that degree as stated in respondents' Graduate School Bulletin, Codes of Student Conduct, and in their "EPE Doctoral Program Guidesheet" until degree completion. Pursuant to that agreement petitioner and Dr. Richard Angelo signed an "Application for Admission Form" on June 28, 1995. (R12, 2nd Amd. Comp. p. 4, para. 12) The Courts did **not** review those facts. See Apx. **Z (2)** pp. 72-78.

Thereafter, petitioner received from respondents, three (3) pages of that "EPE Doctoral Program Guidesheet" comprising four academic phases (Coursework Phase,

Qualifying Examination Phase, Dissertation Phase and Dissertation Defense Phase) for a total of twenty-three (23) items, and a *"Celebration Phase"*. These documents were not presented to any Court. (R12 2nd Amd. Comp. p. 4 para. 14). See the "EPE Doctoral Program Guidesheet" and the Courts did **not** review any of its 3 pages Apx. N. pp. 48-53.

Each student enrolled in that program chose his/her committee chair as stated on p. 1 item 5 of the "EPE Doctoral Program Guidesheet" which reads: "Based on your background, career goals, research interests, and 'personal chemistry,' you ask a professor to serve as your Major Professor and chair of your committee". The Courts did **not** review this important fact. See Apx. **N.** pp. 48-49.

Due to on-going racial tensions between Dr. Richard Angelo and the petitioner that began in 1995, (R12 2nd Amd. Comp. p. 4, para. 13); petitioner wrote a letter to Dr. Angelo on **July 24, 1999** and notified him that he (petitioner) did not want him (Dr. Angelo) for an advisor. (R12 2nd. Amd. Comp. p. 9, para. 33). Lower Courts did **not** review that important fact. See that letter in Apx. **O**, pp. 53-55.

Despite petitioner's **objections** to having Dr. Richard Angelo for an advisor, respondents **imposed** Dr. Richard Angelo on the petitioner. See Dr. Michael T. Nietzel's memo to petitioner's committee dated **October 22, 1999**. The Courts did **not** review that fact. There was no hearing to discuss that imposition and there was no notice for a hearing. (R12 2nd Amd. Comp. p. 10 para. 35). See that memo in Apx. **P**. pp. 55-57.

From that point forward Dr. Richard Angelo and members of the EPE Graduate Faculty chose documentation as a means of communication with the petitioner more than verbal communication (R19 Defendants Exhibits #1-39 in

Support of Motion for Summary Judgement). Those were the only documents **reviewed** and decisions were based on them.

Whether imposing an academic advisor on a student against that student's opposition and without notifying that student of the reason for imposition and without a hearing is a violation of that student's right to Procedural Due Process protected by the Fourteenth Amendment?

Petitioner made satisfactory academic progress throughout his periods of enrollment in the doctoral degree program at the University of Kentucky that began from 1995 Fall Semester until his graduation on May 6, 2001 (i.e. 2001 Spring Semester). (R 12 2nd Amd. Comp. p. 17 para. 59). Courts did **not** review those facts. See Apx. **B**; pp. 32-35.

The minimum grade point average *required* of students enrolled in the Doctor of Education degree program in the EPE Department was **3.0/4.0.** See Lyman T. Johnson TA/RA Fellowship Award dated June 08, 1995. Apx. **D**. pp. 37-38. The Courts did **not** review that important fact.

In the "Coursework Phase" (i.e. from 1995 Fall to 1998 Spring Semesters) petitioner completed the following: He earned a **3.7/4.0** grade point average, **71** graduate hours and **263** quality points. See front page of petitioner's 2000 Academic Transcript, Apx. **B** pp. 32-35. The lower Courts did **not** review those **very** important facts.

The back page of that academic transcript shows an accurate interpretation of each academic grade that petitioner earned at UK. See back page, 2000 Academic Transcript, Apx. **C**, pp. 35-37. The Courts did **not** review those facts.

In addition, petitioner earned **"S"** Satisfactory Academic Grades for each additional semester of his enrollment after the "Coursework Phase". Examples:

(a). In the Qualifying Examination Phase - 1998 Fall Semester, petitioner passed the qualifying examination. See front page of the 2000 Academic Transcript, Apx. **B;** p. 34.

Passing that Qualifying Examination was **very** significant for the following reasons herein quoted verbatim:

> "All degree requirements for the doctorate must be completed within **five (5) years** following the semester or summer session in which the candidate successfully completes the qualifying examination. In the event that all degree requirements are not met during that **five-year** period, degree candidates who provide evidence of the likelihood of completing the degree during an **extension** of time may be granted such an extension by the Graduate Council...".

See page 18 of the 1996-1998 UK Graduate School Bulletin on time limit for doctoral degree completion under "Doctoral Degree", Apx. **F;** pp. 38-39. Lower Courts did **not** review that particular document for the facts.

(b). In the "Dissertation Phase" petitioner earned 18 hours of Residency Requirements - 1998 Fall and 1999 Spring Semesters. The Courts did **not** review that fact. See front page, 2000 Academic Transcript, Apx. **B;** pp. 33-34.

(c). In the same "Dissertation Phase" petitioner wrote Research Proposals. That fact was **not** reviewed. See 2000 Spring **"S"** Grade Report, Apx. **B;** p. 35.

(d). In the same "Dissertation Phase" petitioner successfully defended his written dissertation research

proposal before members of his dissertation committee (i.e. what to study, how, when, and outcome expected). See a memo from Dr. Richard Angelo dated **October 13, 2000**, Apx. **J**; pp. 43-44. Also see 2000 Fall **"S"** Grade Report, Apx. **B**; p. 35. Those Grade Reports were **not** reviewed.

(e). In the same "Dissertation Phase" the University of Kentucky Institutional Review Board (IRB) approved that same dissertation proposal on December 20, 2000. The Courts did **not** that fact. See letter of approval, Apx. **K**; p. 45 - 46. See 2000 Fall **"S"** Grade Report Apx. **B;** p. 35. The Courts did **not** review that Grade Report.

(f). In the same "Dissertation Phase" the committee recommended that petitioner continue to analyze the 1997 Survey Data collected with the Noel-Levitz (1994) Student Satisfaction Inventory (SSI) for that 1997 Study of Undergraduate Student Satisfaction at UK. See a sample of that analyzed data, Apx. **Y (1)**; p. 65 and Apx. **Y (2)**; p. 66. The Courts did **not** review any of those facts.

(g). Petitioner completed his study of the Institutional Survey Data collected with Noel-Levitz (1994) SSI. See virtue of Noel-Levitz (1994) Student Satisfaction Inventory, Apx. **Y (2)** p. 66. The Courts did **not** review that fact.

(h). Petitioner computed student satisfaction data into (SPSS) computer file. Raw data were first entered on 11 pages of 11 in x 17 in spreadsheet. The Court did **not** review that fact. See analyzed survey data Apx.**Y (2)**; p. 66.

(i). Petitioner analyzed data. See 2001 Fall **"S"** Grade Report Apx. **B;** p. 35. The Courts did **not** review that fact.

(j). In the Dissertation Defense Phase, petitioner wrote the first 195 pages of his research report (or dissertation) dated February 27, 2001 from over one thousand (1000) pages of his analyzed satisfaction data and submitted that report to his committee through Dr. Angelo.

(R12, 2nd Amd. Comp. p. 13 para. 44). The Courts did **not** review those facts. See Apex. Y (1), p. 65 and Y (2), p. 66.

(k). Consistent with respondents' policy on page 2, item 20 of the "EPE Doctoral Program Guidesheet" petitioner requested to meet face to face with his committee to discuss his report dated February 27, 2001. The Court did **not** review that rule or regulation. See Apx. **N**; p. 52.

Dr. Richard Angelo refused petitioner's request to meet with the committee. Dr. Angelo summarized that 195 page-report (or dissertation), in a four-page memo dated March 25, 2001 and gave the memo to petitioner. See page 4 of that **March 25, 2001** Memo Apx. **Q**; p. 57. Thereafter, petitioner revised that 02/27/2001 report.

(ι). In the "Dissertation Defense Phase" petitioner submitted his revised 2/27/2001-report (dissertation) on 04/30/01 to his committee through Dr. Richard Angelo. It contained 213 pages. At that point petitioner was entitled to revise that 04/30/01 report. See Apx. **F**, pp. 38-39.

It was respondents' rule or regulation or policy to guide petitioner's research and study to its completion. See p. 7 of 2000-2002 UK Graduate School Bulletin Apx. **G**; p. 39 - 40. The Courts did **not** review that important fact.

"Dissertation Defense" was the last academic phase in that doctoral degree program. Review item 20 of the "EPE Doctoral Program Guidesheet" policy that reads: "After finding a time when you and all members of the committee can meet, notify the DGS office". See Apx. **N**; p. 52.

Petitioner requested for a time to meet with his committee. See petitioner's letter dated May 14, 2001 in the Apx. **Y (4)**; pp. 68-69. The Courts did **not** review that fact.

It was respondents' rule or custom to provide adequate guidance as stated herein. "Full members of the

Graduate Faculty are particularly responsible for: 1. Guidance of graduate student research and study to its completion." (R12, p. 18, para 63). See page 7 of the 2000 - 2002 UK Graduate School Bulletin in the Apx. **G**; p. 39. Courts did **not** review that fact.

Petitioner's paperwork to the UK Graduate School to schedule a time for him to defend a dissertation could have taken place in Summer 2001 if the committee had chosen that option over termination. See Marilyn Lyons (Student Affairs Officer at UK) dated 08/02/2001, Apx. **Z (1)** pp. 71-72. Courts did **not** review that important fact.

Petitioner's 04/30/01-revised report, was the only revision the committee allowed him to make (R12, p. 24, para 80). Petitioner had over 2 years of eligibility remaining in the program. See page 18 of the 1996-1998 UK Graduate School Bulletin under "Doctoral Degree" for time limits to complete the degree requirements Apx. **F**; p.38-39. (R. 12, 2nd. Amend. Comp. p. 17, para. 59). The Courts did **not** review that important fact on eligibility requirements.

On May 6, 2001 respondents graduated the petitioner and did not allow him to complete the revision and to defend his dissertation. Dissertation defense is critically important for professional practice and for advancement in academic life. Respondents graduated this petitioner without it. See petitioner's graduation, his name, his degree type and title of his written report (dissertation) on page 18 of the *"One hundred thirty-fourth annual COMMENCEMENT University of Kentucky, Lexington, Sunday, May Sixth, two thousand and one"*. The Courts did **not** review those important facts. See that graduation in Apx. **E**; p. 38; and Apx. **Y (3)**; p. 67.

Petitioner's name and degree type were also published in a web site. View this proof at www.google.com under Amaechi the Graduate School. Also, see copies of

computer printout from respondents' web site, Apx. Y (3); p. 67. Petitioner's 2001 Spring Semester **"S"** Grade Report on 05/08/2001 was issued two (2) days after his graduation. See a copy of that **05/08/2001 "S"** Grade Report, Apx. **B**; p. 35. The Courts did **not** review that fact.

Whether graduating a student from a degree program by depriving that student equal educational opportunity to complete an important requirement for that degree is a violation of that student's Equal Protection Clause protected by the Fourteenth Amendment, and under 42 U.S.C. § 1983?

Respondents are still withholding petitioner's Doctor of Education (Ed. D.) degree after his graduation and without a hearing or a reason given for withholding that degree. Whether withholding a student's degree without a hearing despite the fact that the student does not owe a cent is arbitrary and capricious? Whether withholding a student's degree deprives the student the benefits of that degree and a violation of that student's right to Equal Protection protected by the Fourteenth Amendment to the United States Constitution and under 42 U.S.C. § 1983 and § 2000d?

On November 21, 2001 respondents terminated the petitioner from the same degree program without following their policies and customs prescribed for termination. In fact for a student to be in danger of termination at the University of Kentucky (UK) he/she must fall into these three (3) categories: See Apx. **M**, pp. 47-48.

(1). Scholastic probation for three enrolled semesters. Petitioner was not on probation as evidenced in petitioner's academic transcripts and grade reports.

(2). Having failed twice for three enrolled semesters. Petitioner did **not** fail twice for any enrolled semester at the University of Kentucky (UK) or at any university before UK.

(3). In cases where the student's Advisory Committee recommends termination after the qualifying examination has been passed... See respondents' rule for termination on page 18, of 2000-2002 UK Graduate School Bulletin, Apx. M; pp. 47-48. The Courts did **not** review that rule.

In fact respondents' issued the "EPE Doctoral Program Guidesheet" to petitioner at the time of his enrollment. That document did **not** contain any information on termination. See "EPE...Guidesheet" Apx. N; pp. 48-53.

Respondents graduated petitioner on May 6, 2001. On **May 16, 2001** petitioner met with committee to receive guidance on his 04/30/2001-revised dissertation. (R.12 2nd. Amd. Comp. p. 14, para. 49) but instead, termination was recommended at that meeting. See Apx. **Y (5)**, pp. 69-71.

At that same meeting on 5/16/2001 petitioner gave to the committee through Dr. Richard Angelo his written request for the type of guidance he needed from the committee as was requested. See Apx. **Y (4)**, pp. 68-69.

Respondents did **not** have any regulation or rule or policy for termination after a student had already been graduated. See 2000-2002 UK Graduate School Bulletin Apx. M; pp. 47-48. The Courts did **not** review that fact.

Respondents did **not** have any rule or regulation for termination after a student had written a dissertation proposal and passed that dissertation proposal defense. See that UK Grad. Sch. Bulletin Apx. **M**; pp. 47-48

Respondents did **not** have any rule or regulation for termination after a student had written a report (dissertation) or to terminate any student after only one chance to revise that dissertation. In fact respondents terminated the petitioner under those new and different termination conditions created specifically for the petitioner. See Apx. **M**; pp. 47-48.

In fact, respondents terminated petitioner after the petitioner's **04/30/2001**-research report exposed deceptive truisms of "performance gap scores". See Apx. Y (2) p. 66. Its "scores" are currently in use in Kentucky schools and in schools across our nation. Petitioner recommended a better approach to satisfaction analysis through a Student (S1) - Environment (E) - Satisfaction (S2) paradigm that he developed and used for his study. They were **not** reviewed.

Do academic institutions have the First Amendment Academic Freedom to violate a student's Constitutional and Civil Right? Rather than acknowledge petitioner's academic performance and discovery, respondents terminated him and did not specify a particular reason upon which termination was solely relied. "Performance Gap Scores" destroy the basic center for scientific method of investigation (i.e. mean). See Apx. Y (2) p. 66. The Courts did **not** that fact.

Respondents' did **not** follow their board rules on details for conducting hearings during the only petitioner's appeal hearing on 11/09/01. According to petitioner's board rules, "The accused student shall be informed in writing of the reasons for appearance before any judicial agency with sufficient particularity and in sufficient time to insure an opportunity to prepare for the hearing". See Section 2:33 Apx. H; p. 40. Respondents did **not** follow that basic hearing procedure. The Courts did **not** review that fact.

It was respondents' rule that "Only *impartial* members of the judicial agency shall sit in judgement of any case". See page 17 Section 2:37 of the respondents' 2000-2003 Code of Student Conduct, Apx. H; p. 40. In fact only the EPE Graduate Faculty recommending termination sat in judgement of petitioner's termination. The Courts did **not** review that important fact on partiality of the EPE Faculty.

It was the respondents' rule or policy or custom that "All students shall be guaranteed a fair hearing in all proceedings of all judicial agencies". See page 16 Section 2:31 of that 2000-2003 Code of Student Conducts, Apx. H; p. 40. The Courts did **not** review that fact.

At that hearing respondents did not present any of their 39 Exhibits upon which recommendation to terminate was solely relied. The Courts did **not** review that fact.

Petitioner did not have a fair hearing. See sworn Affidavit dated 8/23/03 by (Hon. Linda J. West outside observer), Apx. I; pp. 41-43.

On November 21, 2001 respondents terminated petitioner's candidacy and enrollment and did **not** state a particular reason for his termination. See Dr. Douglass S. Kalika's letter Apx. L. pp. 46-47. See Dr. Thomas Janoski's testimony Apx. Z (3); pp. 76-77 as facts **not** reviewed.

After every effort to resolve those issues had failed, petitioner filed a Civil Action suite No. 02-241-JMH with the U.S. District Court, for Eastern District of Kentucky, Lexington, (R.12 Docket Sheet - U. S. District Court Amaechi's - Second Amended Complaint).

This case was moving to a speedy hearing and to a speedy trial by jury. Suddenly, Judge Joseph Hood (1970-72 graduate of UK Law School. See Apx. U; p. 62), stopped all proceedings in this instant case. See Apx. T; pp. 61-62.

Defendants-appellees-respondents did **not** disclose any of their exhibits for the trial, but received **130 exhibits** from petitioner in response to request for production of documents. Respondents also took petitioner's depositions on December 12, 2002 and on January 8, 2003. When petitioner *requested* to take deposition from Dr. Anglo and Dr. Michael T. Nietzel respondents *denied* that request.

Dr. John J. Harris III [Department of Educational Administration and Supervision, 129 Taylor Education Building, University of Kentucky, Lexington, Kentucky, 4506-0017. (859) 257-6169] also testified. When questioned about their rate of graduation of minorities he responded:

Q. "And how many minorities and blacks does it show receiving a degree during the year 1998/1999? Harris depo p. 36; Para. 4-7.

A. **"Zero (0)"**. Testimony **not** review. Dr. Harris's depo. p. 36; Para. 8.

Dr. Thomas E. Janoski [Caucasian - Sociology Department, 1571 Patterson Office Tower, University of Kentucky, Lexington, Kentucky 40746-5191. (859) 257-4418] testified. He served on petitioner's doctoral dissertation committee and worked closely with the petitioner. When questioned about petitioner's academic progress in the dissertation and dissertation defense phases Dr. Janoski replied as follow:

Q. "Isn't it true, Dr. Janoski, that you told Mr. Amaechi that his dissertation was **60** to **75** percent completed"? Janoski's depo. p. 12; Para. 5-7.

A. **"Yes"**, in the sense that, as a whole, it was. I think it was **60 to 75** percent completed". Dr. Janoski's depo. p.12; Para. 8-10 Apx. **Z (3)** p. 78. That testimony and others like it were **not** reviewed by prior Courts in this instant case.

When questioned about how a chair of a dissertation committee is chosen at the University of Kentucky, Dr. Janoski testified as follows:

Q. "Right. And normally the chair of a doctoral candidate's dissertation committee is a person that that candidate selects.." See Dr. Janoski's deposition, p. 43; Para. 12-14. Fact **not** reviewed

A. "Yes". See Janoski's depo. p. 43; Para. 15.

When questioned about the number of times a student had to re-write a dissertation before scheduling a defense? Dr. Janoski responded as follow:

Q. Dr. Janoski, "..number of times a student had to re-write their dissertation..? P. 14; Para. 1-8.

A. **"Six times".** See Janoski, p. 14, Para. 9, **Apx.** Z (3) ; pp. 76-78 They were **not** reviewed.

When questioned about petitioner's ability to follow directions , Dr. Thomas Janoski responded as follow:

Q. "Did you have any problems as far as Mr. Amaechi not following directions or your directions"? Janoski's depo. p. 20; Para. 19 – 21. It was **not** reviewed.

A. "In my class he followed directions very well, followed directions cheerfully, and there was absolutely no problem in my class". See Janoski's depo. p. 20; Para. 22-25.

When questioned about the petitioner's attitudes Dr. Janoski responded as follow:

Q. Okay. Dr. Janoski, did you find Mr. Amaechi a difficult candidate to work with?

A. "NO"

Q. Did you find him argumentative?

A. "No.

Q. Confrontational?

A. "No."

Dr. Janoski p. 39; Para.14-18.

During Dr. Janoski's deposition, Mr. Wayne Roberts (petitioner's former attorney) **reminded** Mr. Robert Roark (respondents' attorney and a 1989 graduate of UK Law School; See Apx. V. p. 63) that Dr. Angelo's memo to petitioner dated **March 25 2001** was not copied to anyone. Mr. Roark responded:

Q. **"Mr. ROARK: -- the committee was not copied, at least on the letter itself"**. Dr. Janoski's depo. p. 30; Para. 2-4.

A. **"MR. ROBERTS: Right. Right."** Dr. Janoski's depo. p. 30; Para. 5. The Courts did **not** review that transcript.

Dr. Shirley C. Raines, President of the University of Memphis, 201 Administration Building, Memphis, Tennessee 38152 who also served on the petitioner's committee testified. When questioned about petitioner's opposition to having Dr. Angelo for advisor she responded:

Q. "Were you aware that Mr. Amaechi wrote several letters opposing Dr. Angelo becoming his chair?" Dr. Raines', depo. p. 39; Para. 2-4.

A. "I didn't know he wrote several. **I know there was opposition to him becoming his chair"**. Dr. Raines, depo. p. 39, Para. 5-6. The Courts did **not** review that important testimony.

When asked about petitioner's attitudes towards her. Dr. Raines responded:

Q. "... plaintiff, Mr. Amaechi. In your interaction with Christopher Amaechi, did you find him to be confrontational? Para. 15-16

A. "With me, no." Page 14; Para. 17.

Q. "Do you find him to be uncooperative?" at 18.

A. **"No".** Raines depo. p. 13; Para. 19.

When asked question about racial tensions between Dr. Richard Angelo and the petitioner. Dr. Raines responded:

Q. "Okay. So in light of my question, would it be fair to say that Mr. Amaechi expressed to you that he was being treated differently because of his race"? Raines' depo. p. 41; Para 24-25; p. 42; Para. 1.

A. "He expressed concern. He didn't say I am being treated differently. I think he expressed concern about it". Raines depo. p. 42, para. 2-4. Her testimony was **not** reviewed.

Dr. Raines' deposition was completed on 05/13/03. On 07/07/03 defendants - appellees - respondents submitted (R. 19 Defendants' Memo in Support of Defendants Motion for Summary Judgement, Exhibits #1-to-39) their exhibits. All of which were entered into evidence.

Surprisingly, Judge Joseph Hood awarded Summary Judgement in favor of the defendants - appellees - respondents and did **not** review any of complainant's - appellant's - petitioner's **125 exhibits**. Among those are his **44** facts and **12** testimonies on pages 1 through 16 of this statement of the case prescribed herein as **not** reviewed.

Thereafter, petitioner discovered that respondents had **tampered** with the crucial evidence in **dispute** dated **March 25, 2001** and submitted it into evidence as proof of the so-

called petitioner's "unsatisfactory work product" in support of defendants' Motion for Summary Judgement. See Defendants Exhibit # 28, Apx. R; pp. 57-58 copied to others.

The original document was **not** copied to anyone. See original document dated March 25, 2001, Apx. Q; p. 57. The Courts did **not** review that original document.

Thirty (30) of the thirty-nine (39) [R. 19] exhibits or **76.92%** of defendants' exhibits presented in support of their Motion for Summary Judgement were from members of the **EPE Faculty** who recommended petitioner for termination. The same EPE Faculty also sat in judgement for his termination. Seventeen (17) of those thirty (30) exhibits or **56.66%** were from **Dr. Richard Angelo** with whom petitioner did not want to have as an advisor. Four (4) of the thirty-nine (39) exhibits or 10.25% were from the university.

Respondents withheld their documents for the trial from petitioner but used five **(5)** of one hundred and thirty **(130)** of petitioner's exhibits or 3.85% of the 130 exhibits. The Courts did not enter into the Docket Sheet any of petitioner's **125** exhibits (i.e. **96.15%**) critical to this case.

Those facts herein stated are genuine and material to this case. The United States District Court decided this case without reviewing any of plaintiff's-appellant's-respondent's **125** crucial exhibits and without a hearing or a trial.

Review of Judgement of the United States District Court

The District Court reviewed defendants'- appellees'-respondents', distorted facts, speculations and the tampered exhibit crucial to the outcome of this case, without a hearing or a trial and reasoned with the defendants as follow:

"Defendants fully informed the plaintiff

of the faculty's dissatisfaction with his

performance, that plaintiff should have been aware of the danger this posed to his continued enrollment, and that the ultimate decision to dismiss the student was careful and deliberate. Therefore, the Court holds that the process by which the Committee recommended Plaintiff's dismissal and the University's acceptance of that recommendation, afforded Plaintiff as much process as he was due".

See Appellees Final Brief at 30-31. (R. 36 Opinion and Order Granting Summary Judgement entered 09/30/2003, Apx. T; pp. 61-62.

On 11/03/03 the appellant - petitioner filed an appeal under CHRISTOPHER N. AMAECHI (Plaintiff – Appellant) v. UNIVERSITY OF KENTUCKY, *College of Education, et al.,* Defendants – Appellees.

The question was "whether or not genuine issues of material fact exist precluding summery judgement?" Appellant - petitioner expected justice from the Court.

Petitioner's expectation at best was that the U.S. Court of Appeals for the 6th. Circuit would refer the case back to the U.S. District Court so to give petitioner equal opportunity to present his **125 exhibits** including the factual disputes that affected the outcome of the case. (i.e. **Defendants Exhibit # 28** that defendants tampered with and submitted into evidence in support of their Motion for Summary Judgement). Appellant's Proof Brief (R 6/16/04; Docket p. 5 para. 2); and Appellant's Final Reply Brief (R. 6/16/04; Docket p. 5 para. 11) questioned Summary Judgement in favor of defendants-appellants-respondents.

Petitioner also expected for a chance to have a hearing and trial by jury at the U.S. District Court and he did **not** receive it. Petitioner requested for oral argument and respondents waived it.

The U.S. Court of Appeals for the 6th. Cir. advised through petitioner's counsel that petitioner's exhibits would **not** be presented if the documents were **not** recorded in the U.S. District Court's Docket Sheet and if appellants' request for oral argument was granted.

Appellant waived oral argument as he was carefully advised by his counsel. His counsel used "Final Proof Brief" in part for oral argument. Only the defendants-appellees' 39 exhibits informed the Joint Appendix entered 5/25/04 and precluded petitioner's 125 exhibits.

Review of Judgement of United States Court of Appeals

The United States 6th. Circuit Court decided this CHRISTOPHER N. AMAECHI (Plaintiff- Appellant) v. UNIVERSITY OF KENTUCKY, College of Education et. al, Defendants – Appellees, case based on prior decisions of the United States District Court and on the same prior facts reviewed. See **ORDER:** U.S. 6th. Circuit of Appeals entered on 12/06/2004, p. 1-3, and **not signed**. Apx. S; pp. 58-61. **"NOT RECOMMENDED FOR PUBLICATION"**

That decision brings this Civil Action on "Petition for a Writ of Certiorari" to the U.S. Supreme Court pursuant to U.S. Supreme Court Rules 10 (c); Rule 14 and Rule 33.1. The United States Court of Appeals for the Sixth Circuit has decided important questions of federal law that have not been decided, but can be settled by the Supreme Court of the United States. In addition, that Court decided an important federal question in a way that conflicts with relevant decisions of the Supreme Court of the United States.

ARGUMENT

Petitioner presents his argument in these content areas: A). Citizenship right to public education in Kentucky. 1). Procedural Due Process, 2). Equal Protection Clause, 3). Substantive Due Process, 4). Due Process and the Hearing on Termination. 5). Summary Judgement, and 6). Conclusion.

A. Citizenship Rights to Public Education in Kentucky.

Appellees-respondents had asserted in their Motion for Summary Judgement that "plaintiff does not have a constitutional or federal statutory right to be enrolled or maintain enrollment in the doctoral program in the EPE Department at the University of Kentucky". Ref. Corrected Appendix entered 5/25/04 at 96.

This petitioner disagrees with respondents' negative assertions. Petitioner is a citizen of the United States and of the State of Kentucky in which he and his family reside. He owns property in Kentucky and pays property taxes. He is a member of the minority group. He contends that Kentucky Constitution affirms that "a child's right to an adequate education is a fundamental one under our constitution". It also affirms that the State has undertaken to provide education as "a right which must be made available to all on equal terms". See, FNI. Ky. Const. Sec. 183; 347 U.S. 483, 493, 74 S.Ct. 686, 691, 98 L.Ed 873 (1954). That language is implicated in a landmark case: Brown v. Board of Education of Topeka (11) 349 U.S. 294, 75 S.Ct. 753, 99 L.Ed. 1083 (1955) giving petitioner the constitutional right and making public education in Kentucky his property right and his liberty to participate in. Those rights to education are also implicated in the language of the Federal Statutes 42 U.S.C. § 1983, and § 2000d, and in the U.S. CONST. Amendment XIV (14) giving him the right to public education.

Accordingly, the Supreme Court expanded its view in education to acknowledge that education is more than "some governmental benefits indistinguishable from other forms of social welfare legislation". See Plyler v. Doe 472 U.S. 202, 221, (1982), 457 U.S. 202 (1982). In addition, Kentucky Statute KRS 161.028, 161.165 (1994) affirms that recruitment and retention of minority students and professionals in higher education in the State must be made available to citizens of the State of Kentucky on equal terms.

1. Procedural Due Process

To prove "Procedural Due Process" violation one must show that an appropriate procedure for the hearing was not applied. See Matthews v. Eldridge 424 U.S. 319 (1976) on termination of Social Security benefits.

In this case at bar, respondents imposed Dr. Richard Angelo on petitioner to chair his dissertation committee and against petitioner's oppositions to that imposition. That imposition was a deviation from respondents' established rule or regulation or policy by which every student enrolled in the same doctoral degree program chose a chair for his/her dissertation committee. There was neither a hearing nor a notice for one on that imposition hence a violation occurred.

Respondents and the Courts have not answered any question on that imposition. Respondents' response has been "there was no such policy stating that student choose their chair". Ref. Appellees' Final Brief at 4. But there was, it is herein stated verbatim: "Based on your background, career goals, research interests, and "personal chemistry," you ask a professor to serve as your Major Professor and chair of your committee". Policy or "formal rules of understanding - often but not always committed to writing that are intended to, and do establish fixed plans of action to be followed under

similar circumstances consistently and over time". See, Pembaur, 475 U.S. at 480-81. The petitioner has property right to public education in Kentucky. He also has the liberty to choose an academic advisor. See Ruckelshaus v. Monsanto Co. 467 U.S. 986 (1984). He must not be denied the right to choose an academic advisor without "Due Process" of law. And was denied his freedom to choose when respondents imposed Dr. Richard on him against his oppositions to that imposition. There was no hearing or notice for a hearing. In a case similar to this at bar, the Court held that because Ohio had chosen to extend the right to an education to its citizens, it could not withdraw that right "on grounds of misconduct absent fundamentall fair procedures to determine whether the misconduct [h]ad occurred". See Goss v. Lopez 419 U.S. 565 (1975). Based on those circumstances the petitioner maintains that respondents violated his rights to "Procedural Due Process".

2. Equal Protection Clause

The Equal Protection Clause provided that no state shall "deny to any person within its jurisdiction the equal protection of the laws". See U.S. CONST. Amendment XIV § 1. To establish a claim of race discrimination under the Equal Protection Clause, the plaintiff-appellant-petitioner must demonstrate this fact. Whether the petitioner was treated differently than non-minority students. See Soper v. Hoben, 195 F. 3d 845, 852 (6th Cir. 1999). There has not been a hearing or notice for a hearing on the issues surrounding petitioner's graduation from the University of Kentucky on May 6, 2001.

Respondents graduated the petitioner from the Doctor of Education Degree (Ed. D.) program on May 6, 2001 and did not allow him to finish a requirement critically important

for advancement in that academic field (i.e. finish revising his written research report or dissertation and to defend it). But the same respondents allowed non-minority students to finish that same requirement before they were graduated. Those deliberate treatments violated petitioner's right to Equal Protection. See, Soper v. Hoben, 1995 F. 3d 845 852 (6th Cir. 1999).

Petitioner had over two (2) years of eligibility remaining in the doctoral degree program after he was graduated and respondents did not allow him to finish with his revisions within that time period. But those same respondents allowed non-minority students to apply for extension of time when necessary.

Respondents gave the petitioner only one chance to revise his dissertation research. But those same respondents gave non-minority students at least six chances to revise their dissertation research. See Janoski's depo. p. 14 at 9. Because respondents singled the petitioner out and treated him differently than non-minority students he contends that those treatments violated his rights to Equal Protection under U.S. CONST. Amendment XIV (14) § 1. See Soper v. Hoben, 195 F. 3d 845, 852 (6th Cir. 1999).

Because the University of Kentucky is a State institution and receives State and Federal Financial Assistance, respondents should be accountable for their actions in this instant case. See 42 U.S.C. § 2000d. The University of Kentucky is an academic institution and does not have the First Amendment academic freedom to violate petitioner's Civil Right. See Powell v. Syracus, 580 F. 2d 1150, 1153-54 (2d Cir). Cert. denied 439 U.S. 984 (1978). Ruling: "that judicial precedent, which made colleges and universities "virtually immune to charges of employment bias, ...was never intended to indicate that academic freedom embraces the freedom to discriminate".

3. Substantive Due Process

Substantive Due Process protects specific fundamental rights of individual's liberty and property from deprivation at the hands of arbitrary and capricious government action. *See* Gutzwiller v. Fenik, 860 F. 2d 1317, 1328 (6th Cir. 1988). Where a State had chosen to extend the right to public education to all its citizens on equal terms public education becomes individual's property right. See Goss v. Lopez 419 U.S. 565 (1975). See Rose v. Council for Better Ed. Inc. 790 S. W.2d 186, 60 Ed. Law Rep. 1289 ('89)

Respondents knew that the State of Kentucky declares its citizen's right to adequate education a fundamental one under its Constitution. See, FNI. Ky. Const. 183; 347 U.S. 483, 493, 74 S.Ct. 686, 691, 98 L.Ed 873 (1954). Yet, respondents gave petitioner only one time to revise his dissertation but gave non-minority students enrolled in the same degree program six times to revise their dissertation before graduation. See Janoski's depo. p. 14 at 9. By subjecting petitioner to only one revision, respondents deprived him of his right to equally participate in something pertinent to life or liberty. See Grutter at 2339. See 28 U.S.C. § 41 (1)(11)(14) and also see Rice v. Elmore, C.C.A.S.C (1947), 165 F. 2d 387, and Certiorari.

Respondents knew that petitioner was revising his dissertation as part of the graduation requirement but graduated him and withheld his degree and did not allow him to complete the educational process required for advancement in the academic field. Respondents' actions in those circumstances were inconsistent with their established rule for graduation and humiliated the petitioner and therefore capricious. The United States Supreme Court has ruled on this issue of "Mean" that a law "should not be unreasonable, arbitrary or capricious. See Nebbia v. New York, 291 U.S. 502 (1934).

Respondents willfully, intentionally, unreasonably and arbitrarily published petitioner's degree title, his research topic and his name in their public records as a recipient of the Doctor of Education (Ed. D.) degree, and in the Internet at www.google.com. That practice was inconsistent with respondents' established graduation policy and capricious.

On May 16, 2001 respondents invited petitioner to a meeting purposed for him to receive guidance. At that meeting he received a letter from Dr. Angelo dated May 14, 2001 for termination without a hearing and was subjected to humiliation and ridicule. That treatment was inconsistent with respondents' rule or regulation or policy and capricious.

Withholding petitioner's degree without a hearing or notice for a hearing on that issue after he was graduated is also capricious. In all of the above circumstances petitioner was singled out for disparate treatments with deliberate indifference to respondents' regulation or rule or policy.

Petitioner maintains that those capricious treatments he received based on respondents' rule or custom violated his rights to Substantive Due Process. See 42 U.S.C. § 1983; See Pembaur v. City of Cincinnati, 475 U.S. 469, 480-81 (1986); Gant v. Willingford Bd. of Educ., 195 F. 3d 134 140 (2d Cir. 1999); Murrell v. School District No. 1, 186 F. 3d 11238, 1250 (10th Cir. 1999); and Sargi v. Kent City Bd. of Educ. 70 F. 3d 134, 907, 911-12 (6th Cir. 1995). See Gant, 195 F. 3d at 141, Doe v. Claiborne County, 103 F. 3d 495 (6th Cir. 1996). Doe v. Claiborne Co. 103 F. 3d at 508.

4. Due Process and the Hearing on Termination

Respondents' bone of contention is "that petitioner was unable to perform academically and in accordance with the University of Kentucky's rules and regulations". See

Appellees' Final Brief at 23. Those respondents' statements lack credibility. Respondents are yet to provide a reasonable defense for their actions against this petitioner.

Respondents graduated this petitioner from the same Doctor of Education (Ed. D) degree program on May 6, 2001 because petitioner maintained a **3.7/4.0** grade point average and Satisfactory **"S"/"S"** Grades throughout his periods of enrollment ending **05/08/2001** after May 6, 2001.

Petitioner was terminated after he had discovered that performance gap scores undermine outcomes of education in our nations' schools including the University of Kentucky and had developed his Student (S1) - Experience (E) - Satisfaction (S2) paradigm and viewed outcomes of education through his paradigm without undermining the same outcomes of education.

Respondents knew the importance of their rules and regulations but did not introduce any of them into evidence for review. But instead created new and different graduation and termination rule or regulation or policy or custom and/or tradition specifically for the petitioner without a hearing or notice for a hearing.

According to respondents' policy, "Full members of the Graduate Faculty are particularly responsible for: 1. Guidance of graduate student research and study to its completion" See 2000-2002 UK Graduate School Bulletin p. 7. Respondents rushed to terminate rather than fulfill their responsibility towards this petitioner. The Courts have ruled that "educational process is not by nature adversary; instead it centers around a continuing relationship between faculty and students, "one in which the teacher must occupy many roles – educator, advisor, friend, and at times parent-substitute". See Barnard v. Inhabitants of Shelburne, 216

Mass. 19 102 N.E. 1095 (1913). In the case at bar, respondents did not have that relationship with the petitioner.

Respondents did not follow their procedures prescribed for a hearing on termination. The board rules prescribed details for conducting the hearing and must be strictly followed or the hearing will be nullity and any action based on it void. See Wells School District v. Stewart 18 Arizone, App. 499 P. 2d 750 (1972). See Ambrose v. Community Sch. Bd. No. 30 48 A.D. 2d 654, 367 N.Y.S. 2d 550 (1975). Charges must be specific enough for the Complainant to respond. See Powell v. Board of Trustees of Cook County School District No. 1 550 P. 2d 112 (Woy. 1976) but Defendants' charges were **not** specific. All evidence relied upon for recommending termination must be presented at the hearing. See Haddock v. Bd. of Educ. Unified School District No. 462 Crowley County 233 Kan. 66, 661 P. 2d 368 (1983). Defendants did not bring any evidence to the hearing. Board must not consider charges beyond those of which the Complainant has been properly informed before the hearing. See Turk v. Franklin Special School District 640 S.W. 2d. 218 (Tenn. 1982). Respondents charged petitioner for unsatisfactory academic performance after this lawsuit was filed. The record of the hearing must indicate what evidence was relied upon to establish the findings. See Kinsella v. Bd. of Educ. of Central School District No. 19, 294, 357, 657 P. 2d 188 (1982). There was no record of the hearing until after this initial suit was filed.

5. Summary Judgement - Inappropriate

Summary Judgement was totally inappropriate. The pleadings, depositions, answers to interrogatories, and admissions, on file together with affidavit show that there are genuine issues of material facts and the moving party is **not**

to be entitled to judgement as a matter of law. See FED R. CIV. P. 56(c). The moving party has not shown that the non-moving party lacks evidence to support an essential element of this case. The non-moving party has significant probative evidence to debunk Summary Judgement. See Moore v. Philip Morris Cos., 8 F.3d 335, 340 (6th Cir. 1993).

The moving party has to show that the non-moving party lacks evidence to support an essential element of its case. See Celotex Corp. v. Cetrett, 477 U.S. 317, 322.23 (1986). See Barnhart v. Pickret, Schaeffer and Ebeling Co. 12 F. 3d 1382, 1388-89 (6th Cir. 1993). Petitioner's 125 exhibits have not been reviewed. Summary Judgement does not lie if the dispute is about a material fact that is genuine that a reasonable jury could return a verdict to non-moving party if evidence is reviewed. See Anderson v. Liberty Lobby, Inc. 477 U.S. 242, 248 (1986). See, Matsushita Elec. Indus. Co. v. Zenith Radio Corp. 475 U.S. 574, 587 (1986).

Respondents have cited the following cases below in support of their Motion for Summary Judgement: Wilson v. Illinois Benedictin College, 445 N.E. 2d 901 (1983); Board of Curator of University of Mo. V. Horowitz, 435 U.S. 21, 106, S. Ct. 507, 88 L.Ed. 2d 532 (1985); Megenity v. Stenger, 27 F. 3d 1120 (6th Cir. 1994); Reagents of the University of Michigan v. Ewing, 106 S.Ct. 507 (1985); Youngberg v. Romeo, 457 U.S. 307 (1982) at 323, Ewing at 513; Carten v. Kent State University, 282 F. 3d 391 (6th. Cir. 2002). Horowitz, Supra, in Megenity v. Stenger, 27 F. 3d 1120 (6th Cir. 1994).

Those cases cited by respondents are not similar to this instant case. This petitioner earned a cumulative grade point average of **3.7/4.0** throughout his periods of enrollment at the University of Kentucky. In fact the cases that respondents have cited in support of their Motion for Summary Judgement are about students with failing grades.

Petitioner's **3.7/4.0** grade point average at the University of Kentucky was equivalent to an academic grade of **A-** and it is not a failing grade. Or is it? If it is, respondents have not proved it.

This petitioner dissertation credit for each semester of his enrollment in the doctoral degree program following the completion of the coursework phase was also Satisfactory **"S"**. The Satisfactory **"S"** grade is **not** equivalent to an Unsatisfactory **"U"** grade. Or is it? If it is, respondents have not provided any evidence to refute petitioner's contention.

This petitioner was never on probation. He was never given any written or verbal warning to improve on his academic grade because there was no reason to do so.

The respondents had already graduated this petitioner from a Doctor of Education (Ed. D.) degree program on **May 6, 2001** and then terminated him from the same program on **November 21, 2001**.

Respondents have not cited a single case law to justify graduating the petitioner from his doctoral degree program and subsequently terminating him from the same degree program after broad publicity about his graduation.

6. Conclusion

This case involves federal questions. The United States Court of Appeals for the 6th. Circuit has decided an important question of federal law that has not been decided **(i.e. termination after graduation)** and can be settled by Supreme Court of the United States.

The United States Court of Appeals for the 6th. Circuit also decided an important federal question in a way that conflicts with relevant decisions of the United States

Supreme Court such as Grutter v. Bollinger, 123 S.Ct. 2325 (2003); and in Goss v. Lopez, 419 U.S. 565 (1975)

The United States Court of Appeals for the 6th Circuit's ruling was in error when it decided that petitioner's already earned cumulative grade point average of a **3.7/4.0** should be interpreted as a **2.0/4.0.**grade point average.

The Court's ruling was in error when it decided that petitioner's already earned Satisfactory **"S"** Grades should be interpreted as Unsatisfactory **"U"** Grades after the facts.

The lower Courts were in error when they based their rulings on exhibits containing **"disputes over facts that affected the outcome of this case".**

The lower Courts were in error when they based their rulings on respondents' exhibits that were virtually unknown to petitioner until after Summary Judgement was awarded in favor of respondents. Those unknown exhibits also include:

a). Defendants Exhibit #14 (R19, APP. Joint Apx. at 138). **b).** Defendants' Exhibit # 23 (R19, APP. Joint Apx. at 150). **c).** Defendants' Exhibit #24 (R19. APP. Joint Apx. at 151). **d).** Defendants' Exhibit #29 (R19, APP. Joint Apx. at 159). **e).** Defendants' Untitled Document; APP. Joint Apx. at 165. **f).** Defendants' Exhibit #35 (19, APP. g). Joint Apx. at 169). **h).** Defendants' Untitled Document, APP. Joint Apx. at. 170-172; **i).** Defendants' Exhibit #37 (R19, APP. Joint Apx. at 176).

The outcome of this instant case may set a legal precedence to the meanings of earned academic grades, college diplomas or degrees, of the education of our nation's children, and to the future of our nation through education.

Petitioner respectfully requests the Supreme Court of the United States to please grant this petition for a "Writ of Certiorari" and to render justice based on the weight of

petitioner's facts and testimonies herein identified as **not** reviewed, and upon reviewing all facts from both parties, and affidavits and appropriate cases cited, and after listening to oral arguments on the facts and testimonies.

Petitioner respectfully requests the Supreme Court of the United States to protect his Constitutional Rights by overturning the Order and Judgements of the lower Courts.

Petitioner respectfully request to be re-instated to the Doctor of Education (Ed. D.) degree program at the University of Kentucky with an entirely different Committee to have a full and fair opportunity to finish his doctoral dissertation and to graduate from the university. Courts have made similar rulings as in Shuffer v. Board of Trustees, 67 Cal. App. 3d 208 (Cal. 1977); Wong v. Reagents of Univ. of Cal., 15 Cal. App. 3d 823 (Cal.1971); Evans v. West Virginia Board of Regents; 271 S.E.2d 778 (W.Va. 1980); Healy v. Larson, 323 N.Y.S. 2d 625 (Sup Ct. 1971) aff'd, 318 N.E. 608 (N.Y. 1974); and Maitland v. Wayne State Univ. Medical School, 257 N.W. 2d 195 (Mich. 1977).

Petitioner also requests appropriate monetary relief consistent with relevant decisions of this Court for the violations of his Constitutional rights and for excluding him from the benefits of his doctoral degree since May 16, 2001.

Christopher N. Amaechi
Petitioner
P. O. Box 2371
London, KY. 40743-2371
(606) 878-2389

CASE NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CHRISTOPHER N. AMAECHI

Petitioner

v.

UNIVERSITY OF KENTUCKY,
COLLEGE OF EDUCATION et al.

Respondents

ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR THE
SIXTH CIRCUIT

APPENDIX A - TO - Z
PETITION FOR WRIT OF CERTIORARI

Christopher Nnamdi Amaechi
Petitioner
P. O. Box 2371
London, KY 40743-2371
(606) 878-2389

APPENDIX A

"THE UNITED STATES OF AMERICA

No. 21492599

CERTIFICATE OF NATURALIZATION (SEAL)

Personal description of holder as of date of naturalization

INS Registration No. A26 650 051

I certify that the description given is true, and that the photograph affix hereto is a likeness of me.

Date of Birth: September 14, 1956

Sex: Male

Christopher Nnamdi Amaechi

(Complete and true signature of holder)

Height 6 feet 2 inches

Marital Status: Married

Country of former Nationality: Nigeria

Be it known that, pursuant to an application filed with the Attorney General at: Louisville, Kentucky The Attorney General having that:

Christopher Nnamdi Amaechi

then residing in the United States intends to reside in the United States when so required by the Naturalization Laws of the United States and had in all other respects complied with the applicable provisions of such naturalization laws and was entitled to be admitted to citizenship, such a person

having taken the oath of allegiance in a ceremony conducted by the Immigration and Naturalization Service at: Louisville, Kentucky on: February 22, 1995 that such person is admitted as a citizen of the United States of America.

_____

Commissioner of Immigration and Naturalization
DEPARTMENT OF JUSTICE"

APPENDIX B

CHRISTOPHER NNAMDI AMAECHI'S ACADEMIC TRANSCRIPT AT UNIVERSITY OF KENTUCKY

"Name: Amaechi, Christopher Nnamdi
Student NR: 405-11-6787
Print Date: 07/26/2000 PAGE NR: 1

ISSUED TO: ***ISSUED TO STUDENT***
Christopher Nnamdi Amaechi
P. O. Box 2371
London KY 40743-2371

REQUESTED BY: Christopher Nnamdi Amaechi
Graduate ACADEMIC RECORD

*

1995 Fall Semester
Admitted Program:

Graduate School

Doctoral

Major: Educational Policy Studies and Evaluation

Graduate Coursework	Grade	Qual.	Pts.
EPE 570 Gather/Analyze/Use/Ed/Data	B		9.00
EPE 601 Proseminar	A		4
EPE 602 Social Policy Issues and Edu.	A		12
SOC 622 Topics and Methods of Eval.	B		9
Cumulative Grade Point **Average**:		**3.400**	**34.00**
1996 Spring Semester			
EPE 620 Ethics & Educ. Decision Making	A		12
EPE 665 Education and Culture	A		12
EPE 798 Seminar in Higher Education	B		9
SOC 635 Pro Sem. Wk. Gen. & In-Equal.	B		9
Cumulative Grade Point **Average**		**3.455**	**76.00**
1996 Second Summer Session	Grade	Qual.	Pts.
EDA 641 Org/Admin/Sch/Comm/Rel.	**A**		**12**
EPE 621 Adv. Tops. & Methods of Eval.	A		12
Cumulative Grade Point Average		**3.571**	**100.00**
1996 Fall Semester			
EPE 663 Field Studies in Education	A		12
EPE 672 College Teaching & Learning	B		9
SOC 661Sociology of Education	A		12
SOC 735 Sociology of Children/Ineq. /Wk.	A		12
Cumulative Grade Point **Average**		**3.625**	**145.00**

1997 Spring Semester		
EDP 660 Research Design and Analysis	B	9
EPE 653 History of Higher Education	A	12
EPE 763 Advanced Field Studies	B	9
SOC 680 Methods of Social Investigation	A	16
Cumulative Grade Point **Average**	**3.604**	**191.00**
1997 Fall Semester		
EPE 679 Multiple Measures Ed. & Eval.	A	12
EPE 680 Politics of Higher Education	A	12
SOC 630 Deviant Behavior	A	12
Cumulative Grade Point **Average**	**3.661**	**227.00**
1998 Spring Semester		
EPE 785 Independent Studies in Ed. Policy	A	12
EPE 790 Intern. Ed. Policy Studies & Eval.	A	12
Cumulative Grade Point **Average**	**3.704**	**263.00**
1998 Fall Semester	Grad. Hrs.	Grade
EPE 769 Residency Credit Part I	9	***"S"
Cumulative Grade Point Average		"S"
1998 Fall Semester		**Grade**
Passed Qualifying Examination on		09/10/98
Cumulative Grade Point **Average**		"S"
1999 Spring Semester	Hrs.	Grade
EPE 769 Residency Credit Part II	9	
Cumulative Grade Point **Average**		***"S"

1999 Fall Semester

Dissertation Phase (Developed Dissertation Topics)

Cumulative Grade Point **Average** "S"

2000 Spring Semester

Conducted Research Study - Wrote Dissertation Proposal

Cumulative Grade Point **Average** "S"

2000 Fall Semester

Successfully Defended Dissertation Proposal on 11/11/00

Cumulative Grade Point **Average** "S"

2001 Fall Semester

Dissertation Defense Phase; Wrote 2/27/01-Dissertation

Cumulative Grade Point **Average** "S"

2001 Spring Semester 05/08/2001

Dissertation Defense Phase 2/27/01-revised 04/30/2001

Cumulative Grade Point **Average** "S"

*** Amaechi's MS and MA degree transcripts before UK**

****"S" = Dissertation residency credit"**

APPENDIX C

ACADEMIC TRANSCRIPT GUIDE

THE UNIVERSITY OF KENTUCKY

"Grade	Description	Quality Points
A+	(College of Law Only)	4.3
A	Exceptional High Achievement	4.0
A-		3.7

B+		3.3
B	High Achievement	3.0
B-		2.7
C+		2.3
C	Average Achievement	2.0
C-		1.7
D+		1.3
D	Minimum Passing Grade	1.0
D-		0.7
E	Failing	0.0
F	Failing (In Pass/Fail Course)	0.0
AU	Audit	
CR	Credit Awarded for AP or CLEP	
I	Incomplete	
IP	Satisfactory Work in Progress	
P	Passing (in Pass/Fail Course)	
S	Satisfactory	
U	Unsatisfactory	
W	Withdrawal	
***	No Grades Submitted	

COURSE NUMBERING SYSTEM

500 to 599	Junior classification required; undergraduate and graduate credit
600to 799	Graduate Classification required.

QUALITY POINTS

Quality Points are equal to the number of semester hours earned times the quality points for the grade earned."

APPENDIX D

MINIMUM GRADE POINT AVERAGE REQUIRED TO GRADUATE FROM THE DOCTOR OF EDUCATION DEGREE PROGRAM IN **EPE**

"June 08, 1995

Type of Fellowship: Lyman T. Johnson TA/RA

Department or Program: Educational Policy Studies & Evaluation.

Chair of the Department: Dr. Richard Angelo

Dear Christopher:

The Graduate School is pleased to offer you a Lyman T. Johnson Award for 1995/1996. This award is based on the recommendation of the department or program listed above, and indicates our confidence in your academic potential. This offer is contingent upon your continued enrollment and good standing in the Graduate School and the specific department or program. The relevant features and conditions of this award are as follows: (a – c = monthly paychecks)

d). All fellows, regardless of the amount of the fellowship, must be registered full-time (**nine course credits or nine hours dissertation residency credit**). Failure to abide by this requirement will result in the cancellation of the fellowship. Any

exception to this requirement must be arranged in writing in advance of acceptance of this award. An overall grade point average of at least **3.0** must be maintained.

Signed Allan G. Richard, Associate Dean

Christopher Nnamdi Amaechi Recipient. Date: 6/15/95"

APPENDIX E

CHRISTOPHER NNAMDI AMAECHI'S GRADUATION FROM THE UNIVERSITY OF KENTUCKY

"Commencement Program One hundred thirty-fourth annual COMMENCEMENT

University of Kentucky, Lexington

Sunday, May sixth, two thousand and one

Degree: Doctor of Education

Christopher Nnamdi Amaechi

Major: Educational Policy Studies and Evaluation

Dissertation: "Student Satisfaction with Perceived Experiences from the Academic Services (AS) and the Non-Academic Services (NAS) at the University of Kentucky. Page 18 of that document".

APPENDIX F

TIME LIMIT FOR DOCTORAL DEGREE COMPLETION

AT THE UNIVERSITY OF KENTUCKY

[1996-1998 UK GRADUATE SCHOOL BULETIN
Page 18.]

"**Doctoral Degree.** All degree requirements for the doctorate must be completed within five years following the semester or summer session in which the candidate successfully completes the qualifying examination. In the event all degree requirements are not met during the five year period, degree candidates who provide evidence of the likelihood of completing the degree during an **extension of time** may be granted such **an extension** by the Graduate School Council. Requests will be considered only upon written recommendation of the appropriate Director of Graduate Studies after the candidate **has again successfully completed the qualifying examination process as currently administered by the program.** (Note: Failure to pass the re-examination indicates the termination of degree candidacy.) A second re-examination is not permitted. **An extension for no more than five years may be granted."**

APPENDIX G
ADVISORS' MAJOR RESPONSIBILITY TO STUDENT

[2000-2002 UK GRADUATE SCHOOL BULLETIN
Page 7.]

"Full members of the Graduate Faculty are particularly responsible for:

1. Guidance of graduate student research and study to its completion. The finished work should meet or exceed standards for publication, dissemination or performance

within the particular discipline and

2. Participation in the formulation of graduate curricula and policy".

APPENDIX H

PROCEDURES FOR ALL HEARINGS AT THE
UNIVERSITY OF KENTUCKY
2000-2003 CODE OF STUDENT CONDUCT

"§ 2.3 Rights of the Accused. Pages 16-17.

The student shall be granted the following rights in all proceedings of the University Judicial System:

2.31 All students shall be guaranteed a fair hearing in all proceedings of all judicial agencies.

2.32 No student shall be compelled to give testimony which might tend to be self-incriminating and refusal to do so shall not be considered evidence of guilt.

2.33 The accused student shall be informed in writing of the reasons for appearance before any judicial agency with sufficient particularity and in sufficient time to insure an opportunity to prepare for the hearing.

2.34 The accused shall be entitled to receive upon request a copy of all rules and procedures governing the judicial agency at least 72 hours to appearance before the agency.

2.35 The accused student shall enjoy the right to hear and question all witnesses and to present witnesses of the student's choice.

2.36 The accused may choose an advisor to assist in all processes of the University Judicial System.

2.37 Only impartial members of the judicial agency shall sit in judgement of any case.

2.38 The accused shall have access to a permanent verbal or written transcript of every hearing of every judicial agency.

2.39 The accused student shall have the right to either an open or closed hearing. All hearings before any judicial agency shall be closed unless the accused student requests that said hearing be open. If a student desires an open hearing, the student must file a written request with the Hearing Officer at least 24 hours prior to the time set for the hearing. The Hearing Officer will then admit to the hearing, in addition to those admitted to closed hearings: one properly identified member of the working press from the student newspaper and from each established newspaper, magazine, television station or radio station requesting admission; four persons invited by the accused student; and four persons invited by the University Counsel. The Hearing Officer may order the removal of any disruptive person from the hearing.

2.310 Evidence obtained in violation of Section 2.21 (searches and seizures of persons and possessions) as a direct or indirect result of a violation of Section 2.21, in the course of a counseling session, or through other improper means shall not be admissible in any proceeding of the University Judicial System or Residence Hall Judicial System.

2.311 Failure to adhere to the procedures contained in this Code or a violation of rights of students contained in this Code shall be sufficient basis for reconsideration of the case by the appropriate judicial body."

APPENDIX I

SWORN AFFIDAVIT OF LINDA J. WEST

"UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
LEXINGTON DIVISION
CIVIL ACTION NO.

CHRISTOPHER AMAECHI PLAINTIFF

v. AFFIDAVIT OF LINDA J. WEST

UNIVERSITY OF KENTUCKY DEFENDANT

1. I was the Human Resources Manager and General Counsel at Union College from January 2001 through June 2002.

2. I was acquainted with Christopher Amaechi both professionally and as a co-worker.

3. On November 9, 2001, I attended a hearing as an observer between Christopher Amaechi and the EPE Graduate Faculty at the University of Kentucky.

4. The purpose of said hearing was to hear the appeal of Christopher Amaechi as to the termination of his program.

5. Although Mr. Amaechi repeatedly requested a reason for the termination, he was never given one nor was the reasoning behind the termination of his program adequately explained at the hearing.

6. Due to the lack of participation and the reticence by the majority of the faculty present at the hearing, my personal observation as a trained human resources manager and as an attorney was that all of Mr. Amaechi's tearful

pleas and arguments would be useless and that the hearing was a waste of time.

FURTHER THE AFFIANT SAYETH NAUGHT

LINDA J. WEST
103 Liberty St.
P. O. Box 1239
Barbourville, KY 40906

COMMONWEALTH OF KENTUCKY)
)
STATE AT LARGE)

Subscribed and sworn to me a Notary Public, by Linda J. West on this the 20th day of August, 2003.

NOTRY PUBLIC
My Commission expires 7-25-07"

APPENDIX J

AMAECHI SUCCESSFULLY DEFFENDED HIS DISSERTATION PROPOSAL

"October 13, 2000

MEMORANDUM

To: Christopher Amaechi

From: Richard Angelo

Re: Your committee meeting on Wednesday, Oct. 11

You have every reason to be pleased by the outcome of Wednesday's meeting: you now have committee approval to proceed with the dissertation. Congratulations.

Bear in mind, however, that the committee expects to see a literature review in the final manuscript which situates your own study in the wider tradition of research on student satisfaction. (When and where, for example, does the so-called "performance gap" approach first emerge? How or in what ways did it represent an innovation on earlier studies? If you mean to go back and follow on those earlier studies are you at the same time making any innovation your self?) You also have some serious thinking to do about the best ways to organize and manipulate your data. Of course Professors Kifer and **Janoski** have agree to give you advice on this front. Once you've worked out the relevant methodological issues with them, it would be best for all of us, I think, if you drafted a memo explaining how you plan to proceed. (Professor Kifer tells me he has already written to Connie Christian-Ray on your behalf. The computer file you'll need to work most efficiently with the data will be in your hands shortly.)

Congratulations once again.

Cc: Student file."

APPENDIX K

UK INSTITUTIONAL REVIEW BOARD APPROVED AMAECHI'S DISSERTATION PROPOSAL

Research and Graduate Studies
Office of Research Integrity
315 Kinkead Hall
Lexington, KY 40506-0057
(859) 257-9428

EXEMPTION CERTIFICATION

MEMO: Christopher Amaechi

FROM: Institutional Review Board
c/o Office of Research Integrity

SUBJECT: Exemption Certification for Protocol No. 00-0720-X4L

DATE: **December 20, 2000**

On December 20, 2000, it was determined that your project entitled, Undergraduate Student Satisfaction with Perceived Experiences from the Academic Services and the Non Academic Services at the University of Kentucky, meets federal criteria to qualify as an exempt study.

Because the study has been certified as exempt, you will not be required to complete continuation or final review reports. However, it is your responsibility to notify the IRB prior to making any changes to the study. Please note that changes made to an exempt protocol may disqualify it from exempt status and may require an expedited or full review.

The Office of Research Integrity will hold your exemption application for five years. Before the end of the fifth year, you will be notified that your file will be closed and the application destroyed. If your project is still ongoing, you will need to contact the Office of Research Integrity upon receipt of that letter and follow the instructions for completing a new exemption application. It is therefore, important that you keep your address current with the Office of Research Integrity.

If you have any questions, please contact the Office of Research Integrity at 859-257-9428.

0015R"

APPENDIX L

THE LETTER FOR AMAECHI'S TERMINATION
NOVEMBER 21, 2001

"November 21, 2001
Mr. Christopher Amaechi
P. O. Box 2371
London, KY 40743-2371

Dear Mr. Amaechi,

As you are aware, on May 9, 2001 your doctoral advisory committee in the Educational Policy studies & Evaluation (EPE) graduate program voted to recommend the termination of your enrollment in the program. Based on this recommendation, and according to the rules of the Graduate School as published in the Graduate Bulletin, a quorum of graduate faculty in the EPE program met on August 27, 2001 to vote on this recommendation. The vote of the faculty

concurred with the recommendation for termination. As prescribed in the Graduate Bulletin, you were then given an opportunity to appear before the graduate faculty of the program, and this meeting took place on November 9, 2001. The faculty voted a second time on the advisory committee's recommendation at the conclusion of that meeting. The result of this second vote was a recommendation to my office that your doctoral candidacy be terminated.

On the basis of this action, I regret to inform you that you are hereby terminated from the Educational Policy Studies and Evaluation doctoral program effective immediately. No further registration will be permitted.

Sincerely,
Douglass S. Kalika, Acting Dean
The Graduate School

cc: Dr. Jeffrey Bieber, EPE Director of Graduate Studies
Dr. Beth Goldstein, EPE Chair
Dr. Robert Shapiro, Associate Dean,
College of Education
student file"

APPENDIX M

THE UNIVERSITY OF KENTUCKY GRADUATE SCHOOL RULE FOR TERMINATIONS

2000-2002 UK Graduate School Bulletin; Page 18.

"MAY –16-01 01:50PM FROM - GRADUATE SCHOOL-UK [859-323-1928] T-730 P.02/02 F-343.

Termination

The Dean of the Graduate School may terminate enrollment in a particular program for the following reasons:

1. Scholastic probation for three enrolled semesters.
2. Having failed twice the final examination for the Master's degree or the qualifying examination.
3. In cases where the students Advisory Committee recommends termination after the qualifying examination has been passed, the Graduate Faculty in that program will meet to vote on the recommendation. When the Graduate Faculty of that program concurs and the student dissents, the student will have an opportunity to meet with the Graduate Faculty of the program, after which a second vote will be taken and a final recommendation will be made to the Dean of the Graduate School

Each program sets specific requirements and standards of performance, evaluative procedures and criteria and procedures for termination. The student should be informed of these criteria at the time of enrollment by the Director of Graduate Studies of the program"

APPENDIX N

"EPE DOCTORAL PROGRAM GUIDESHEET
SPECIFIC REQUIREMENTS

Issued to the Petitioner on June 28, 1995

Name: _____

Your Notes: You have received your letter of acceptance into The Graduate School and this program. Congratulations. But, check that letter to see if there are any "loose ends" to tie up. If so, tie them up immediately.

1. None_____ Yes _____
What? _____
Done _____

Coursework Phase

___2. Proseminar, EPE 601.

___3. Getting acquainted with faculty by taking a variety of courses, attending the colloquium series, and hobnobbing in the halls.

___4. Now acquainted, discuss with DGS possible major.

___5. ***Based on your background, career goals, research interests, and "personal chemistry," you ask a professor to serve as your Major Professor and chair of your committee.**

___6. Discuss with that professor the professor the possible make-up of the committee; then ask each one if she he will serve.

___7. DGS, on notification from your Major Professor, writes The Graduate School, and you receive a formal announcement of your Advisory Committee.

___8. Second Semester of fulltime work, the

committee meets to formally approve your program of studies. (Departmental forms are available for this. **REMINDER: plan to complete the entire program within eight years.)**

___9. If that program calls for a second language, satisfy the requirement.

Qualifying Examination (QE) Phase

_10. Discuss with your Major Professor, during the last semester of coursework, plans for the QE.

_11. Meet individually with committee members to discuss their expectations.

_12. Check with the DGS office regarding forms and dates for scheduling the QE.

_13. Discuss with your Major Professor ideas for a preliminary dissertation proposal, which is due by the date of the QE.

_14. Pass the Qualifying Examination. The Graduate School declares that you are now a doctoral candidate.

Your Notes:

Dissertation Phase

The faculty-student ratio is now one-to-one, and, if not before, the love-hate relationship

becomes intense. **Involvement of other committee members, during this phase, is at the judgement of your Major Professor.**

_15. Final Proposal

__a. Working with your Major Professor, develop a full-blown statement of your research/scholarly project, presenting a clear statement of the "problem," the importance of the study relevant research, and procedures you will follow to examine your topic.

___b. Committee approves the proposal.

_16. EPE 769 for two consecutive semesters of nine hours each. **Thereafter, registration for EPE 769 –0 hours will be handled by the department and Graduate School until graduation.**

Dissertation Defense Phase

_17. Major Professor says, "OK," and you prepare copies for other members of the committee.

_18. Apply to The Graduate School for the early in the semester of the defense. (Check with DGS office for deadline.)

_19. At least one month prior to the defense, The Graduate School must be notified by the DGS office. You are responsible for

letting the DGS know in time. The Graduate School will appoint the Outside Reader and notify the DGS office.

_20. After finding a time when you and all members of the committee can meet, notify the DGS office. The Graduate School then formally announces the date and time. You must get this information to the DGS office at least two weeks in advance.

_21. You are to take the Dissertation Approval Sheet, signed by a majority of the committee, Schedule of Final Exam form, and copy of the dissertation to The Graduate School at least two weeks ahead.

_22. The Graduate School will check the form of the dissertation. If no changes are necessary, it is given back to you to be carried to the Outside Reader.

_23. The day finally arrives, and you give a brilliant defense.

Your Notes: Celebration Phase

During which you refer to yourself only as "Doctor," thereby pleasing your family and

irritating everyone else. Your Major Professor may even buy you a drink -- while telling you that you must immediately begin rewriting your dissertation for publication. Oh well, it never really ends".

APPENDIX O

AMAECHI'S OBJECTION TO HAVING DR. RICHARD ANGELO FOR AN ADVISOR DATED JULY 24, 1999

"Christopher N. Amaechi
P. O. Box 2371
London, Kentucky 40743-2371

July 24, 1999

Dr. Richard Angelo
Associate Professor and
Chair Department of Educational Policy
Studies and Evaluation
The University of Kentucky
College of Education
131 Taylor Education Building
Lexington, Kentucky 40506-0001

Dear Dr. Angelo,

This letter is an answer to yours dated July 22, 1999. Pursuant with Dean Nietzel's memo to my "Advisory

Committee" dated September 25, 1997, no one in your department has officially fulfilled the role of my major advisor after I had passed my "Qualifying Examination" taken over two semesters ago. I have not rejected anyone in your department except your humiliating advice.

You were my unofficial advisor for Fall 1998, and Spring 1999 semesters. During those semesters, you maintained that "I did not have the dexterity to conduct the studies that I had proposed". In keeping with your beliefs about my academic abilities, you repeatedly told me that "I do not write beyond a high school g". According to you, "there is a difference between good sex and bad sex, and to you, what I was writing was bad sex". Furthermore, you continued to insist during those semester that "the doctoral degree may not be for me".

I informed you then that, my academic performance at the University of Kentucky can speak to my abilities. You replied, "High Grade Point Average (G.P.A.) is not a reflection of one's abilities at this institution because some people receive grades of "A" even when they do not merit them".

I was anguished with your comments and consequently notified Dr. Robert Shapiro and others about the above concerns. **Overall, I do not feel safe with you as my advisor.** Consequently, **please do not feel rejected.**

I need a major advisor from your department, and I wish to conduct my dissertation research using the abilities and

competencies that I have already developed at the University of Kentucky.

Sincerely,

Christopher N. Amaechi
Doctoral degree candidate.

cc. Beth Goldstein, DGS
Shirley C. Raines, Dean College of Education
Robert Shapiro, Associate Dean, The College of Education
Michael T. Nietzel, Dean of the Graduate School
Douglass Kalika, Associate Dean, The Graduate School
Deneese Jones, Graduate School
Elizabeth Zinser, Chancellor Lexington Campus."

APPENDIX P

IMPOSITION OF DR. ANGELO ON AMAECHI OVER AMAECHI'S OPPOSITIONS

"MEMORANDUM

DATE: **October 22, 1999**
TO: Dr. Richard Angelo (Chair)
Dr. John Thelin
Dr. Edward Kifer

Dr. Shirley Raines
Dr. Thomas Janoski
Dr. Lars Bjork

FROM: Michael T. Nietzel
Dean of the Graduate School

RE: APPOINTMENT OF ADVISORY COMMITTEE

In accordance with the Graduate Faculty regulations, the above Advisory Committee has been appointed to develop and supervise the work of the following student.

STUDENT'S NAME: Christopher Amaechi

DEGREE: Ed. D

STUDENT'S PROGRAM: Educational Policy Studies and Evaluation

Each student's program is guided by a Major Professor and Advisory Committee throughout the graduate career. Their purpose is to give continuity of direction and counsel and provide intellectual completion of the doctorate. In addition to advising and program planning, the Advisory Committee is also involved with the administration of the Qualifying Examination, the supervision of the dissertation, and the administration of the Final Examination.

Advisory committee actions must be reported promptly to the appropriate Director of Graduate Studies who will be responsible for transmitting them to the Dean of the Graduate School.

MTN/ggh

c: Director of Graduate Studies

Student P.O. Box 2371
London, KY 40743-2371

File."

APPENDIX Q

THE ORIGINAL MEMO FROM DR. RICHARD ANGELO TO AMAECHI DATED **MARCH 25, 2001 & DISPUTED**

Page 4.

"...I would opt for the most direct approach to a review of the literature if I were you-i.e., treating "student satisfaction" as a domain with its own identity. And to help you with your prose, it might be wise to retain an editor. Once you've got a convincing account of the differences between "Discrepancy," "Cognitive of Judgement" models and the rest, you should be able to clearly situate Christian-Ray and the point of your secondary analysis. (While you're at it, I think you should drop.."Definition of Terms" you have included at the end of Chapter 1. In a context like this, there's no need to define most of these terms-e.g. "face validity" or "dependent variable" – and what you say about some of the others –specifically, "Herculean Task," "Oxymoron," and "Sine qua Non"-only serves to erode the reader's confidence in you). In the meantime, you obviously have some serious work to do on your statistical reasoning as well."

APPENDIX R

DEFENDANTS **TAMPARED** WITH THE DISPUTED MEMO DATED **MARCH 25, 2001** AFTER DR. JANOSKI'S TESTIMONY (**See DEFENDANTS'**

EXHIBIT # 28 MOTION FOR SUMMARY JUDGEMENT)

Page 4.

"...I would opt for the most direct approach to a review of the literature if I were you-i.e., treating "student satisfaction" as a domain with its own identity. And to help you with your prose, it might be wise to retain an editor. Once you've got a convincing account of the differences between "Discrepancy," "Cognitive of Judgement" models and the rest, you should be able to clearly situate Christian-Ray and the point of your secondary analysis. (While you're at it, I think you should drop.."Definition of Terms" you have included at the end of Chapter 1. In a context like this, there's no need to define most of these terms-e.g. "face validity" or "dependent variable" – and what you say about some of the others –specifically, "Herculean Task," "Oxymoron," and "Sine qua Non"-only serves to erode the reader's confidence in you). In the meantime, you obviously have some serious work to do on your statistical reasoning as well.

Cc: Student's file

Committee members

Dr. Jeffrey Bieber, DGS"

APPENDIX S

THE U.S. COURT OF APPEALS' **DECISIONS**

"NOT RECOMMENDED FOR PUBLICATION

NO. 03-6410

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

CHRISTOPHER N. AMAECHI, Plaintiff-Appellant,	)
	) ON APPEAL FROM
	) THE UNITED
v.	) STATES DISTRICT
UNIVERSITY OF KENTUCKY, COLLEGE OF EDUCATION et al.,	) COURT FOR THE
	) EASTERN
	) DISTRICT OF
Defendants-Appellees.	) KENTUCKY

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

Sixth Circuit Rule 28(g) limits citation to specific situations. Please see Rule 28(g) before citing in a proceeding in a court in the Sixth Circuit. If cited, a copy must be served on other parties and the court. This notice is to be promptly displayed if this decision is reproduced.

BEFORE: DAUGHTREY AND GILMAN, Circuit Judges, and Rice, *District Judge.

PER CURIAM. Plaintiff Christopher Amaechi, formally a doctoral candidate at the University of Kentucky, filed this § 1983 action claiming that the university violated his rights under the Fourteenth Amendment when his enrollment in the doctoral program was terminated arbitrarily and without due process. The district court granted summary judgement to the defendants, holding that Amaechi had failed to establish a violation of his constitutional rights by

the university or its employees. The plaintiff appeals, contending that the district court should have ordered his reinstatement to the doctoral program. We find no error and affirm.

---

*The Hon. Walter Herbert Rice, United States District Judge for the Southern District of Ohio, sitting by designation.

In regard to the Plaintiff's procedural due process claim, the district court correctly noted that "[t]he essence of due process is the requirement that a person in jeopardy of serious loss [be given] notice of the case against him and an opportunity to meet it," quoting *Matthews v. Eldridge*, 424 U.S. 319, 348 (1976). The district court was also correct in observing that dismissal of a student for academic reasons comports with the requirement of due process if the school has fully informed the student of the faculty's dissatisfaction with his or her performance and of the risk that the deficiencies pose to continues enrollment, and if the ultimate decision to dismiss is made carefully and with deliberation. As the district court noted, the record in this case is replete both with warnings to the plaintiff that his work was unsatisfactory and with efforts to assist him in bringing his work up to standards that would permit completion of the doctoral program certainly it cannot be said, based on the record, that the final decision to dismiss Amaechi was anything less than careful and deliberate.

In regard to the plaintiff's substantive due process argument, the district court assumed the existence of a constitutionally protected property right in continued enrollment in an educational program such as the one the plaintiff had undertaken but held, nevertheless, that there was no violation of the plaintiff's constitutional rights

because there was no evidence that the university acted arbitrarily in dismissing Amaechi from its college of education.

The district court, after setting out the facts at length and engaging in extensive analysis, found that there was no dispute of material fact and that the plaintiff's constitutional claims failed as a matter of law. Having studied both the record on appeal and the briefs of the parties, we are not persuaded that the district court erred in dismissing the complaint. Because the reasons why judgement should be entered for the defendant have been fully articulated by the district court, the issuance of a detailed opinion by this court would be duplicative and would serve no useful purpose. Accordingly, we AFFIRM the judgement of the district court upon the reasoning set out by that court in its memorandum opinion and order filed on September 30, 2003".

APPENDIX T

"**ORDER** – UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
LEXINGTON

CIVIL ACTION NO. 02-241-JMH

CHRISTOPHER N. AMAECHI PLAINTIFF.

v. JUDGEMENT

UNIVERSITY OF KENTUCKY, COLLEGE
OF EDUCATION, et. al., DEFENDANTS.

* * * * * * * * * * * * *

In accordance with the order of even data and entered contemporaneously herewith,

IT IS HEREBY ORDERED:

(1) That this action be, and the same hereby is DISMISSED AND STRICKEN FROM THE ACTIVE DOCKET.

(2) That all pending motions be, and the same hereby are, DENIED AS MOOT.

(3) That all scheduled proceedings be, and the same hereby are, CONTINUED GENERALLY.

(4) That this order is FINAL AND APPEALABLE and THERE IS NO JUST CAUSE FOR DELAY.

This the 30th day of September, 2003

Signed By:

Joseph M. Hood

United States District Judge

APPENDIX U

JUDGE JOSEPH M. HOOD'S COLLEGE EDUCATION

"University of Kentucky, Lexington, 1960-65, B.S. in commerce, 1965-1966, graduate studies, Dept. of Economics, graduate teaching asst.; University of Kentucky College of Law, Lexington, 1970-72, J.D."

APPENDIX V

ROBERT L. ROARK'S COLLEGE EDUCATION

"University of Kentucky Law School, J. D. 1989. University of Kentucky B.A., 1986"

APPENDIX W

*[AMAECHI'S Academic Transcript from Morehead State University]

Master of Science (MS) Degree 1983-1984

Christopher N. Amaechi Date of Birth SS #

Rout 1, Box 468 09/14/56 405-11-6787

Oneida, Ky. 40972

1982-83 FALL SEMESTER	**Grade**	**Qual. Pts.**
VOC 685 (PRIN & PHIL)	A	12
VOC 660 (TRENDS & ISSUES)	A	12
AGR 592 (AGR SUPER)	A	12
1982-83 SPRING SEMESTER		
VOC 630 (EVALUATION. TECH.)	B	9
AGR 586 (PLAN PROG. IN AGR.)	A	12
EDUC 600 (RES. METHODS)	B	9
VOC 698 (CAREER 7 VOC GUID)	A	12
1983-84 FALL SEMESTER		
AGR 676 (DIRECTED STUDY)	A	12
EDHE 640 (2-YR. COLL. H.ED)	B	9
AGR 599 (AGR. MACHINES)	B	9
EDSE 634 (SEC. SCH. CURR.)	A	12
AGR 670 (DIR. RESEARCH)	A	12

Academic Major: Agriculture

Master of Science (MS) Degree 1983-1984

APPENDIX X

*[AMAECHI'S Academic Transcript from
Morehead State University (MSU)
And Eastern Kentucky University (EKU)]

Master of Arts (MA) Degree 1984 -1986

1983-84 SPRING SEMESTER (MSU)	**Grade**	**Qual. Pts.**
EDAH 643 (SEMINAR HIGH.ED)	B	9
EDUC 610 (ADV.HUM GR. & DEV.)	B	9
EDAH 651 (HUMAN DEV IN ADH.)	B	9
EDAH 642 (STUDENT PERS H.ED)	A	12
1985 FALL SEMESTER (EKU)		
EPY 842 (STATATISTICAL METH.)	B	9
EPC 820 (GROUP PROCESS)	B	9
EAD 802 (SCH.BLDS. & GROUNDS)	B	9
1986 SPRING SEMESTER (EKU)		
EAD 805 (SCHOOL LAW)	A	12
EPC 845 (INTERN. STU. PERSONNEL)	A	12
EPC 740 (COUNS. THEO. & PRACTICE)	B	12
EPC 713 (INTRO. TO COUNSELING)	A	12

Major: Student Personnel and Services

Master of Arts (MA) Degree 1984 –1986"

APPENDIX Y (1)

THE NATURE OF GUIDANCE PETITIONER RECEIVED FROM EPE FACULTY - Defendants' **Exhibit #21.** (Kifer)

Five Satisfaction Items Analyzed by Amaechi	Import. Mean	Sat. Mean	P. Gap Mean
Most students feel a sense Of belonging here	-	-	-
The campus staff are Caring and helpful	-	-	-
Faculty care about me As an individual	-	-	-
Admissions staff are knowledgeable	-	-	-
Financial Aid Counselors Are helpful	-	-	-

Study Sample: N = 379; M = 159 (41.6%); F = 220 (54.8%). FT = 337; PT = 37 NR = 5.

Student Demographics

African-American = 21

American Indian /Alaskan Native = 2

Asian/Pacific Islander = 15

Caucasian-American = 332

Hispanic = 2; Other = 7

Key:

Import. = Importance; Sat. = Satisfaction; P. Gap = Performance Gap; M= Male, F = Female; FT = Full-time, PT = Part-time; NR = No response, N = Study Sample

APPENDIX Y (2)

PETITIONER'S RESULTS FOR THE SAME FIVE ITEMS

Five Satisfaction Items Analyzed by Amaechi	Import. Mean	Sat. Mean	P. Gap Mean
Most students feel a sense Of belonging here	5.86	4.92	0.94
The campus staff are Caring and helpful	6.35	4.90	1.45
Faculty care about me As an individual	6.18	4.69	1.49
Admissions staff are knowledgeable	6.20	5.10	1.10
Financial Aid Counselors Are helpful	6.06	4.56	1.50
Admissions staff are knowledgeable	6.20	5.10	1.10
Financial Aid Counselors Are helpful	6.06	4.56	1.50

Study Sample: N = 379; M = 159 (41.6%); F = 220 (54.8%). FT = 337; PT = 37 NR = 5.

Student Demographics

African-American = 21

American Indian /Alaskan Native = 2

Asian/Pacific Islander = 15; Caucasian-American = 332

Hispanic = 2 Other = 7

Import. = Importance Sat. = Satisfaction, P. Gap

P. Gap = Performance Gap etc.

APPENDIX Y (3)

COMMENCEMENT 2001 DOCTORAL DEGREE RECIPIANTS – INTERNET PUBLICITY

"Following is the list of students eligible to receive doctoral degree at Commencement on May 6, 2001

Page 1 of 6

http://www.rgs.uky.edu/gs/DegreeRecipients.html

Keziban Acar

John LeScott Adams

Gregory Patrick Adkinson

Meshack Mosimanegape Afitlhile

Cameron Todd Alsup

Christopher Nnamdi Amaechi

Mansoor Aminilari

Kevin M. Ansthel

Salih Ates

Matthew L. Baker

Doris Seats Barlow

Bernadetts Catherine Barton

Raymond Patrick Baruffalo

Glenda S. Bence

Daniel Edmond Beams

James William Bellew

Aimee K. Bence

Maria Jesus Berrocal

Kenneth W. Blank

Susan Lower Bogardus..."

APPENDIX Y (4)

PETITIONER'S LETTER TO THE COMMITTEE DATED **MAY 14, 2001**REQUESTING FOR GUIDANCE

"Christopher N. Amaechi
P. O. Box 2371
London, KY 40743-2371
May 14, 2001

Dr. Richard Angelo
College of Education
Chair Department of Educational
Policy Studies and Evaluation
131 Taylor Education Building
The University of Kentucky
Lexington, Kentucky 40506-0001

Dear Dr. Angelo,

Thank you for receiving four copies of my dissertation on April 30, 2001 and for distributing them to four members of my committee in the college of education. As you well know, I gave a copy of the dissertation to Dr. Thomas Janoski and a copy to Dr. Michael T. Nietzel (Dean of the Graduate School) on that very day.

You agreed to call me two weeks from April 30, 2001 concerning the dissertation. I have no heard from you or from any member of my dissertation committee concerning the completed project. I wish to defend this dissertation between now and the second Summer Session following the May 2001 graduation since it was not defended before the May graduation. I am seriously looking for a professional position with the ABD to enable me to support

my family. At the same time I will do what is prudent for me to graduate from the University of Kentucky as soon as possible. Each delay is extremely costly to my family.

Please tell me what must be corrected in the dissertation submitted to you on April 30, 2001 and the need for such corrections so that I can effectively make such necessary corrections before defending the dissertation.

Sincerely,

Christopher N. Amaechi

cc Members of my Dissertation Committee,
Dr. Michael T. Nietzel
File"

APPENDIX Y (5)

A LETTER FROM DR. RICHARD ANGELO TO AMAECHI DATED MAY 14, 2001 RECOMMENDING AMAECHI'S TERMINATION

"May 14, 2001

Mr. Christopher Amaechi
P. O. Box 2371
London, KY 40743

Dear Christopher,
On Wednesday, May 9, I met with Drs. Kifer, Thelin, and Raines because none of us was ready to recommend a

defense of the manuscript you submitted on April 30. The revisions you made this time around. However, those revisions left untouched the deficiencies of concept, method, and exposition highlighted in the memos you received from me and Professor Kifer on **March 25th**. This is only the most recent instance of an inability or unwillingness on your part to respond to our advice. Under the circumstances we believe it is unlikely that you will complete a satisfactory dissertation, and we have decided to recommend the termination of your program. You will, of course, have rights appeal, as spelled out in the Graduate School Bulletin, 2000-2002 p. 18).

In cases where the student's advisory committee recommends termination after the qualifying examination has been passed, the Graduate Faculty in that program will meet to vote on the recommendation. When the Graduate Faculty of the program concurs and the student dissents, the student will have an opportunity to meet with the Graduate Faculty of the program, after which a second vote will be taken and a final recommendation will be made to the Dean of the Graduate School ...

Professor Janoski was not present at our meeting on May 9. He had not yet had time to read your manuscript because he had been burdened with the last minute details of organizing a conference in New York. I spoke with him on the phone later that afternoon, however. While he saw no reason to object to the action we're now recommending, he thought it would be best under the circumstances for him to abstain. We are going ahead, his abstention notwithstanding, because the vote of a clear majority of the advisory committee is all that's required.

Sincerely,

Richard Angelo

Associate Professor &
Chair

Cc: Dr. Michael Nietzel
Dr. Jeffrey Bieber"

Please see Apx. M p. 47-48 herein on criteria for termination excluded from that letter.

Also see Dr. Thomas Janoski's testimony on page 12-14 of this petition for part of Dr. Janoski's testimonies.

APPENDIX Z (1)

A LETTER FROM MARILYN LYONS TO AMAECHI REGARDING SUMMER 2001 GRADUATION

Research and Graduate Studies
The Graduate School
Patterson Office Tower
Lexington, KY 40506-0027
(859) 257-8142

"August 2, 2001

Christopher Amaechi
P. O. Box 2371
London, KY 40743

Dear Christopher Amaechi:

According to our records you have not met the requirements for the Ed. D for the **Summer 2001 semester** for the following reason(s):

> **The paperwork to schedule the final examination was not submitted prior to the semester deadline. When the paperwork is received, your record will be checked to determine if all requirements have been met.**

If you have any questions please contact me at (859) 257-4614 or email mlyons@pop.uky.edu.

Sincerely,

Marilyn Lyons, Student Affairs Officer
The Graduate School

c: Jeffery Bieber, Director of Graduate Studies
Educational Policy Studies and Evaluation
Student file"

APPENDIX Z (2)

"THE UNIVERSITY OF KENTUCKY GRADUATE SCHOOL - APPLICATION FOR ADMISSION

Please read the enclosed booklet for instructions

[Office Use Only PM ( )]

1. Social Security Number : 405-11-6787
2. Name AMAECHI, CHRISTOPHER NNAMDI
   Print Last First Middle
   Present Address: P. O. Box 2371, London, Laurel County, Kentucky 40743-2371
   E-mail Address: None; Telephone Number (606) 878-2389.
   Permanent Address: P. O. Box 2371, London, Laurel County, Kentucky 40743-2371.
3. Birthdate: 09/14/56
4. Sex: Male
5. Are you an employee of the University of Kentucky?
   [ ] Yes [x] No [ ] Part-time [ ] Full-time
6. [x] U.S. [ ] Permanent Resident
7. Applying for 1995 [x] Fall [ ] Spring
   Summer School [ ] May Intersession
   [ ] 8-weeks session
8. [x] Kentucky Resident [ ] Non-Kentucky Resident
   If you indicated KY resident in question 8, have you lived in KY for the last 12 months? [x] Yes [ ] No
   Have you received financial support from anyone out of state in the last 12 months? [ ] Yes, [x] No
9. Program Requested: Educational Policy Studies and Evaluation EPSE. Areas of Interest: College Teaching; Research and Evaluation; Sociology.

10. Type of Applicant: Entering a Degree or Certification Program [EBD] with an awarded Bachelor's.

11. Ethnic Background

[ ] Hispanic[H] [ ] American Indian[I]

[x] Black/Non-Hispanic[B][ ] Mexican-American[M]

[ ] Asian/Pacific Islander[O] [ ] Other

[ ] Puerto-Rican[P]

[ ] White/Non-Hispanic[W]

12. Status Requested (Check only one)

[x] Doctoral Degree

[ ] Specialist in Education Degree

[ ] Masters Degree

[ ] Post-baccalaureate (Program Code POBA, only)

[ ] Rank I Certification Education

[ ] Fifth Year Certification (Education)

[ ] Certification (Only)

[ ] Visiting Student

[ ] Postgraduate Trainee

Signed: Christopher N. Amaechi Date: 6/28/95

Signed: Dr. Richard Angelo (DGS) Date: 6/28/95

13. If you are applying for a special program check one

[ ] MD/PHD

[ ] Joint Doctoral Program in Education with __Univ.

[ ] Cooperative Doctoral Program with __Univ.

[ ] University Scholar

[ ] Five Year Program

[ ] MBA/JD

[ ] MPA/JD

14. List, in chronological order all colleges and universities you have attended since high school, including the University of Kentucky post-baccalaureate status, and any colleges you are presently attending (See instructions concerning required transcripts).

Name of College
City & State
Attended From ___To___
Degree
Date Conferred or Expected
Curriculum Major.

Berea College, Berea KY From 1979 To 1982; B.S. Degree May 1982; Major: **Agriculture**

Morehead State University, Morehead KY From 1982 To 1983. M.S. Degree December 1983. Major: **Agriculture.**

Morehead State University, Morehead KY From 1983 To 1984. **Eastern Kentucky University** Richmond, KY From 1985 To 1986 M.A. Degree Major: **Student Personnel and Services**

If you have previously attended the University of Kentucky, check:

[ ] Undergraduate [ ] Graduate [ ] Professional

Name on Transcript or on scores if different from Your name as given above NOT APPLICABLE

APPLICATION FEE

Applicants for admission to The University of Kentucky Graduate School must pay a $20.00 application fee. A check or money order made payable to THE UNIVERSITY OF KENTUCKY should accompany the completed application.

LETTERS OF RECOMMENDATION

Letters of recommendation should be sent to the Director of Graduate Studies in the program of your Choice...**Stamped: January 12, 1995**

15. I understand that withholding information or giving false information makes me ineligible for admission and enrollment. Date: 01/11/95. Signature: Christopher N. Amaechi

Return both copies to: THE GRADUATE SCHOOL, 351 Patterson Office Tower, University of Kentucky, Lexington, KY 40506-0027".

APPENDIX Z (3)

PART OF DRS. JANOSKI, RAINES & HARRIS DEPO.

UK Professor - Dr. Thomas Janoski; Page. 14

Q. "..Students, the most, Ok, **number of times** that a student had to rewrite their dissertation proposal at the University of Kentucky before it was defensible. Paragraph (Para.) 1 to 4

A. You're talking about the dissertation? Para. 5 to 6

Q. Right, dissertation. Yes, excuse me. Not proposal

Para. 7 to 8.

A. **Six times.** Para. 9

Q. Now, you and the committee, you-all had to approve Mr. Amaechi's dissertation proposal did you not? Para. 10 to 12.

A. Yes Para. 13

UK Professor - Dr. Thomas Janoski; Page 10

Q. "Did Dr. Angelo give you, or any of the committee members, any specific instructions as to how Mr Amaechi's dissertation proposal should proceed? Para. 13 to 16

A. No. Set up meetings, and there was a certain process that we would go through, but as far as specific instructions go, no, I don't think so. Para. 17 to 20.

Q. Did Dr. Angelo ever communicate to you the reason or the reason why they were recommending to terminate Mr. Amaechi from the program? (Page 18, para. 19 to 22).

A. In committee meetings he gave lots of different reasons and expressed some exasperation. (Page. 18; para 23 to 25)

Q. Can you be more specific as to the reason and his expressions? (Page 19, Para. 1 to 2).

A. It was never, you know very clear to me. **It seemed like there was a great deal of history that went on previously.** Exactly, you know, the reasons were never, you know, particularly clear to me... (Page 19,

Para. 3 to 7)"

UK Professor - Dr. Thomas Janoski; Page 12.

Q. "Isn't it true, Dr. Janoski that you told Mr. Amaechi that his dissertation was **60 to 75** present completed? Para. 5-7

A. Yes, in the sense that, as a whole, it was. I think it was **60 to 75** percent completed. Para. 8-10."

UK Professor - Dr. Thomas Janoski; Page 43

A. **"...Chair of a committee is usually somewhat of an advocate for the student, otherwise they would not accept the position of being the Chair. Para. 8-11.**

Q. Right. And normally the Chair of a doctoral candidate dissertation committee is a person that that student selects – Para. 12-14.

A. **Yes"; Page 43; Para. 15**

Dr. Shirley C. Raines; Page 31

Q. "Okay. So, to sum up, and correct me if you I' m wrong, you are telling the jury that you did not participate in a final meeting where the vote was taken to terminate Mr. Amaechi; is that correct? Para. 14 – 17

A. To my recollection, I did not. Para. 18.

UK Professor - Dr. John J. Harris III; Page 27

Q. "Okay. Did Mr. Amaechi ever express to you that he felt he was having difficulties because of his race? Para. 21-23.

A. **Yes.** Page 27; Para. 24."